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FROM THE

Original Sources of European History

Vol. II.

(Revised)

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TRANSLATIONS AND REPRINTS

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VOL. II.

ENGLISH TOWNS AND GILDS.

No. I.

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I. *TOWN CUSTOMS.*

An English city or borough,¹ in the early Middle Ages, is to be looked upon, in the greater number of cases, simply as a manor or group of adjacent manors, where facilities for trade or handicraft have led to a larger and more concentrated population than could have subsisted merely on the agriculture of the rural community. In each of these towns local customs grew up, just as the "custom of the manor" existed in each village in the open country; but more highly developed, as a consequence of the closer population, mercantile occupation, and more active life of the townspeople.

Since these local customs existed only as rules traditionally observed and remembered, they were but seldom made a matter of written record. The few still existing have been preserved by peculiar circumstances. In some forty-one cases the pecuniary relations to the king involved in the customs of the towns attracted the attention of the commissioners who made the reports for Domesday Book. Those of Chester are given in the greatest detail. The customs of Newcastle were formulated in the time of Henry II, but refer to a period at least as early as the close of the eleventh century. The "Usages of Winchester," "Ordinances of Worcester" and "Office of the Mayor of Bristol" are collections of city customs similar to those printed and translated here, and are printed in Smith's *English Gilds*, Early English Text Society, 1870. The last of the three is also in Ricart's *Kalendar*, Camden Society, 1872.

CUSTOMS OF CHESTER.

Latin : Domesday Book, I, 262, b. ; and Stubbs' *Select Charters*, 83-95.

The city of Chester, in the time of King Edward, paid tax as being of fifty hides ;² three and a half hides of which were outside of the city. That is, one and a half hides were beyond the bridge, and two hides in Newton and Redcliff, and in the bishop's borough ; these paid tax with the city.

In the time of King Edward, there were in the city 431 houses paying tax. And besides these the bishop had 56 tax-paying houses. Then the city paid ten and a half marks³ of silver ; two parts belonged to the king and the third to the earl. And the following laws existed there :

When peace had been granted by the hand of the king, or by his letter or through his bailiff, if any one broke it, the king had 100 shillings for it. But if the same peace of the king, at his order had been granted by the earl, if it was broken, of the 100 shillings which were given therefor, the earl had the third penny. If, however, the

¹ There seems to be no consistent distinction between cities and boroughs in Domesday and earlier use : later it was customary to call the seat of a bishop a city and all other considerable towns boroughs. ² A hide was a unit of taxation or of measurement, equalling in the latter case approximately 120 acres. It is here evidently the former. ³ The mark of silver was equal to 13s. 4d. ; of gold, £6.

same peace was infringed when granted by the reeve of the king or the officer of the earl, it was compounded for by forty shillings, and the third penny belonged to the earl.

If any free man of the king broke the peace which had been granted and killed a man in his house, all his land and money came to the king, and he himself became an outlaw. The earl had the same concerning his man making this forfeiture. No one, however, except the king, was able to grant peace again to an outlaw.

He who shed blood between Monday morning and the ninth hour of Saturday compounded for it with ten shillings. From the ninth hour of Saturday to Monday morning bloodshed was compounded for with twenty shillings. Similarly any one paid twenty shillings who did this in the twelve days after Christmas, on the day of the Purification of the Blessed Mary, on the first day of Easter, the first day of Pentecost, Ascension Day, on the Assumption or Nativity of the Blessed Mary and on the day of All Saints.

He who killed a man on these holy days compounded for it with £4; but on other days with forty shillings. Similarly he who committed burglary or assault, on those feast days or on Sunday £4. On other days forty shillings.

Any one setting prisoners free¹ in the city gave ten shillings. But if the reeve of the king or of the earl committed this offence he compounded for it with twenty shillings.

He who committed theft or robbery or exercised violence upon a woman in a house compounded for each of these with forty shillings.

If a widow had illegitimate intercourse with any one she compounded for it with twenty shillings; a girl, however, with ten shillings for a similar cause.

He who in the city seized upon the land of another and was not able to prove it to be his, was fined forty shillings. Similarly also he who made a claim upon it, if he was not able to prove it to be his.

He who wished to make relief of his own land or that of his relative gave ten shillings.

If he was not able or did not wish to do this the reeve took his land into the hand of the king.

He who did not pay the tax at the period at which he owed it compounded for it with ten shillings.

¹The word *hangewitham* thus translated, has also been considered to mean the offence of hanging a person without warrant of law. Ducange.

If fire burned the city, he from whose house it started compounded for it with three oras¹ of pennies, and gave to his next neighbor two shillings. Of all these forfeitures two parts belonged to the king and the third to the earl.

If without the license of the king ships came to the port of the city or departed from the port, from each man who was on the ships the king and the earl had forty shillings. If against the peace of the king and after his prohibition the ship approached, as well it as the men, with all things which were upon it, did the king and the earl have.

If, however, with the peace and license of the king it had come, those who were in it sold what they had in peace; but when it went away, four pence from each lading did the king and the earl have. If to those having martens' skins the reeve of the king gave orders that to no one should they sell until they had first brought them and shown them to him, he who did not observe this compounded for it by paying forty shillings.

A man or a woman making false measure in the city, and being arrested, compounded for it with four shillings. Similarly a person making bad ale, was either placed in the ducking stool or gave four shillings to the reeve. This forfeiture the officer of the king and of the earl received in the city, in whosoever land it had been, either of the bishop or of another man. Similarly also, if any one held the toll back beyond three nights, he compounded for it with forty shillings.

In the time of King Edward there were in this city seven moneyers,² who gave seven pounds to the king and the earl, besides the ferm,³ when the money was turned over.

There were at that time twelve judges of the city, and these were from the men of the king, and of the bishop, and of the earl; if any one of these remained away from the hundred court on the day in which it sat, without a clear excuse, he compounded for it with ten shillings, between the king and the earl.

For repairing the city wall and the bridge the reeve summoned one man to come from each hide of the county. If the man of any one did not come his lord compounded for it to the king and the earl with forty shillings. This forfeiture was in addition to the ferm.

¹ An ora is a number of pennies, varying in different times and places, here possibly sixteen or twenty.

² The moneyers were men who had the contract for coining money, paying a fee for the privilege of reserving to themselves the seigniorage.

³ A ferm was a fixed amount paid as a lump sum in place of a number of smaller or more irregular payments.

This city paid at that time of ferm £45 and three bundles of marten's skins. The third part belonged to the earl, and two to the king.

When Earl Hugh received it, it was worth only £30, for it was much wasted. There were 205 fewer houses than there had been in the time of King Edward. Now there are just as many there as he found.

Murdret held this city from the earl for £70 and one mark of gold. He had at ferm for £50 and one mark of gold all the pleas of the earl in the county and in the hundreds, with the exception of Inglefeld.

The land on which the temple of St. Peter stands, which Robert of Rodelend claimed for demesne land, as the county has proved, never pertained to the manor, outside the city, but pertains to the borough; and it has always been in the custom of the king and the earl, like that of other burgesses.

THE CUSTOMS OF NEWCASTLE-UPON-TYNE.

Latin : Acts of Parliament of Scotland, I, 33-34; and Stubbs' Select Charters, 107-108.

These are the laws and customs which the burgesses of Newcastle-upon-Tyne had in the time of Henry, king of England, and ought to have:

Burgesses may make seizure for debt from those dwelling outside, within their market place and without, and within their house and without, and within their borough and without, without the license of the reeve, unless courts are held in the borough, and unless they are in the army or on guard at a castle.

From a burgess a burgess is not allowed to make seizure for debt without the license of the reeve.

If a burgess has agreed upon anything in the borough with those dwelling outside, the debtor, if he acknowledges it, must pay the debt himself, or he must grant right in the borough.

Suits which arise in the borough are to be held and finished there, except those which belong to the king's crown.

If any burgess is summoned on any prosecution, he shall not plead outside of the borough except for want of a court. Nor must he respond without day and term, unless he shall have first fallen into an absurd defense; except with regard to things which pertain to the crown.

If a ship has put in at Tynemouth and wishes to depart, it is allowed to the burgesses to buy whatever they wish.

If a suit arises between a burgess and a merchant, it shall be settled before the third tide.

Whatever merchandise a vessel has brought by sea ought to be carried to land, except salt and brine, which ought to be sold on the ship.

If anyone has held land in burgage for a year and a day justly and without prosecution, he need not make defense against a claimant, unless the claimant has been outside the realm of England, or in the case where he is a boy having no power to speak.

If a burgess has a son in his house, at his table, the son shall have the same liberty as his father.

If a villain comes to stay in a borough, and there for a year and a day stays as a burgess in the borough, let him remain altogether, unless it has been said beforehand by himself or by his lord that he is to remain for a certain time.

If any burgess makes an accusation concerning any matter, he cannot wage battle against a burgess, but let the burgess defend himself by law, unless it is concerning treason, when he ought to defend himself by battle. Nor can a burgess wage battle against a villain, unless he has first departed from his burgage.

No merchant, unless he is a burgess, may buy any wool, hides, or other merchandise, outside of the town, nor inside of the borough except from burgesses.

If forfeiture happens to a burgess, he shall give six *oras* to the reeve.

In the borough there is no merchet, nor heriot, nor blood fine, nor *stengesdint*.

Each burgess may have his oven and hand-mill if he wishes, saving the king's right to the oven.

If a woman is in transgression concerning bread or concerning ale, no one ought to intermeddle except the reeve. If she shall have transgressed a second time, let her be whipped for her transgression. If for a third time she shall have transgressed, let justice be done upon her.

No one except a burgess may buy clothes for dyeing, nor make, nor shear them.

A burgess may give his land, or sell it, and go whither he wishes, freely and quietly, unless he is engaged in a suit.

II. TOWN CHARTERS.

During the twelfth and thirteenth centuries many of the cities and boroughs obtained their first charters. These were documents issued and sealed by the king, or by the lord on whose demesne the town had grown up, giving legal recognition to a part or the whole of the body of local customs. In no case was the whole body of customs recited in the charter; and in most cases probably no new rights were granted to the towns by the charters; but it was of the greatest value to them to have their more important customary rights defined, legalized and put in a form which could be appealed to in case of subsequent dispute. Moreover, the first grant obtained by any town served as a precedent in obtaining, at favorable opportunities thereafter, new charters extending its powers and privileges. The charter of Southampton, printed below, for instance, was the first of thirty-one such grants to that town between the twelfth century and the seventeenth; varying in character from mere renewals to considerable additions to the city immunities. Types of three classes of municipal charters are given below; those granted by the king, those granted by a secular lord to a town on his demesne, and those granted by a prelate. A vast number of charters granted to towns are printed in Rymer's *Fœdera*; Madox' *Firma Burgi*, Gross' *Gild Merchant*, and in local histories.

CHARTER OF HENRY II. TO THE CITY OF LINCOLN.

Latin: Rymer's *Fœdera*, i. 40; and Stubbs' *Select Charters*, 158-9.

Henry, by the grace of God, king of England, duke of Normandy and Aquitaine, count of Anjou, to the bishop of Lincoln, justiciars, sheriffs, barons, officers and all his faithful, French and English, of Lincoln, greeting. Know that I have conceded to my citizens of Lincoln all their liberties and customs and laws, which they had in the time of Edward and William and Henry, kings of England; and their gild merchant of the men of the city and of other merchants of the county, just as they had it in the time of our aforesaid predecessors, kings of England, best and most freely. And all men who dwell within the four divisions of the city and attend the market are to be at the gilds and customs and assizes of the city as they have been best in the time of Edward, William and Henry, kings of England. I grant to them moreover, that if anyone shall buy any land within the city, of the burgage of Lincoln, and shall have held it for a year and a day without any claim, and he who has bought it is able to show that the claimant has been in the land of England within the year and has not claimed it, for the future as before he shall hold it well and in peace, and without any prosecution. I confirm also to them, that if anyone shall have remained in the city of Lincoln for a year and a day without claim on the part of any claimant, and has given the customs, and is able to show by the laws and customs of the city that the claimant has been in existence in

the land of England and has not made a claim against him, for the future as in the past he shall remain in peace, in my city of Lincoln, as my citizen. Witnesses, E., bishop of Lisieux; Thomas, chancellor; H., constable; Henry of Essex, constable. At Nottingham.

CHARTER OF HENRY II. TO WALLINGFORD.

Latin: Rymer's *Fœdera*, i, 471: and Gross' *Gild Merchant*, II, 244-5.

Henry, by the grace of God, King of England, Duke of Normandy and Aquitaine, and Count of Anjou, I command you that my burgesses of Wallingford shall have my secure peace through my whole land of England and Normandy, wherever they may be. And know that I have given and conceded to them forever all their liberties and laws and customs well and honorably, just as they had them best and most honorably in the time of King Edward, and in the time of my great grandfather King William, and of his son, the second King William, and in the time of King Henry, my grandfather; that is to say, that they should have freely the gild merchant with all its customs and laws, so that neither my bailiff nor any justice of mine should meddle with their gild; but only their own alderman and officer. And if my officers or any justice shall have brought suit against them in any plea or for any occasion or shall have wished to lead them into a suit, I forbid it, and require that they should not make defense in any manner, except in their own proper portmote. And if the reeve himself shall implead them on any occasion without an accuser, they shall not respond, and if on account of any transgression, or by a right judgment any one of them shall have made forfeiture by a right consideration of the burgesses, to the reeve shall he pay it. I forbid, moreover, and require that there shall be no market in Crowmarsh, nor any merchant, unless he is in the gild of the merchants; and if anyone goes out from the borough of Wallingford and lives from the merchandise of the same Wallingford, I command that he should make the right gild of the merchants with the same burgesses, wherever he may be, within the borough or without. Know moreover, that I have given and conceded forever to all the men of Wallingford full quittance from my yearly rent, which they were accustomed to pay from the borough of Wallingford; that is to say, from that which pertains to me in the borough. All these laws and customs and liberties and quittances I give to them and concede forever, and all others which they are able to show that their ancestors had, freely, quietly, and honorably, just as my

citizens of Winchester ever had them at the best; and this on account of the great service and labor which they sustained to me in the acquisition of my hereditary right in England. I concede to them, moreover, that wherever they shall go in their journey as merchants, through my whole land of England and Normandy, Aquitaine and Anjou, "by water and by strand, by wood and by land," they shall be free from toll and passage fees, and from all customs and exactions; nor are they to be troubled in this respect by any one, under a penalty of £10. I forbid, moreover, and require under the same penalty, that the reeve of Wallingford shall not make any fine of scotale or New Year's gift from any one, and that he shall not establish any custom in Wallingford which shall injure the burgesses of the town. Of this grant and concession, the witnesses are Theobald, archbishop of Canterbury and others. Given at Oxford, the first day before the Ides of January.

CHARTER OF HENRY II. TO SOUTHAMPTON.

Latin: Davies' History of Southampton, 152; Gross' Gild Merchant, II, 213.

Henry, king of England, duke of Normandy and Aquitaine, and count of Anjou, to his reeves and ministers of Hampton, greeting: I ordain that my men of Hampton shall have and hold their gild and all their liberties and customs, by land and by sea, in as good, peaceable, just, free, quiet, and honorable a manner as they had the same, best, most freely and quietly in the time of King Henry, my grandfather; and let no one upon this do them any injury or insult. Witness, Richard de Humet, constable; Jocelyn de Baliol, at Winchester.

CHARTER OF RALPH, EARL OF CHESTER, TO THAT CITY, BETWEEN A. D., 1190 AND 1211.

Latin: Report of Historical Mss. Comm. 1881, 356-7; and Gross' Gild Merchant, II, 140.

Ralph, earl of Chester, to his constable and steward, and to all his barons and bailiffs, and to all his men, French and English, as well to come as at present, greeting. Let it be known to all of you that I have given and conceded, and by this my present charter confirmed to all my citizens of Chester their gild merchant with all liberties and free customs which they have had in the aforesaid gild, best, most freely and most peacefully in the times of my predecessors. And I forbid under forfeiture to me of £10 that any one shall disturb them in it. With these witnesses, etc.

*CHARTER OF JOHN, EARL OF CHESTER, BETWEEN
1217 AND 1277.*

Latin : Report of Historical Mss. Comm. 1881, 356-7, and Gross' Gild Merchant II, 140.

Know that I have conceded and by this my present charter confirmed to all my citizens of Chester that no merchant should buy or sell any kind of merchandise which has come to the city of Chester by sea or by land, except these my citizens of Chester themselves and their heirs, or in accordance with their will ; except in the established fairs, that is on St. John the Baptist's day and at the feast of St. Michael.
. Likewise, I have conceded and by this my present charter confirmed to my said citizens of Chester, to have and to hold their gild merchant, as freely, quietly and honorably as they held it in the time of my uncle, lord Ralph, earl of Chester and Lincoln.

*CHARTER OF THURSTAN, ARCHBISHOP OF YORK, TO
BEVERLY, BETWEEN 1100 AND 1135.*

Latin : Rymer's *Fœdera*, i, 10, and Stubbs' Select Charters, 105-6.

Thurstan, by the grace of God, archbishop of York, to all the faithful in Christ, as well present as to come, greeting and God's benediction and his own. Let it be known to you that I have given and conceded, and by the advice of the chapter of York and of Beverly and by the advice of my barons have confirmed by my charter to the men of Beverly all their liberties with the same laws which those of York have in their city. Moreover let it not be hid from you that lord Henry our king has conceded to us the power of doing this of his own good will, and by his charter has confirmed our statutes and our laws according to the form of the laws of the burgesses of York, saving the dignity and honor of God and Saint John, and of us and of the canons, in order that he might thus increase the benefactions of his predecessors, and promote them by all these free customs.

I will that my burgesses of Beverly shall have their hanse house, which I give to them and concede in order that they may there determine upon their statutes to the honor of God and of St. John, and of the canons, and to the advantage of the whole body of citizens, being enfranchised by the same law as those of York in their hanse house. I give up to them, moreover, their toll forever for eighteen marks a year ; besides in those feasts in which toll belongs to us and to the canons, that is to say, in the feast of St. John the Confessor, in May, in the feast of the translation of St. John, and on the day of the birth of St.

John the Baptist; and on these festivals I have made all the burgesses of Beverly free and quit from all toll. By the testimony of this charter, moreover, I have conceded to the same burgesses as free entrance and departure within and without the town, in plain and wood and marsh, in roads and byways, and in other suitable places, except in meadows and grainfields, as any one can ever concede and confirm them most freely and broadly; and know that they are as free and quit from all toll through the whole of Yorkshire, as those of York are. And I will that whosoever opposes this may be accursed, as the custom of the church of St. John asserts and as it has been decreed in the church of St. John.

These are witnesses: Geoffrey Murdoc, Nigel Fossard, Alan de Percy, Walter Spec, Eustace the son of John, Thomas the reeve, Thurstan, archdeacon; Herbert, chamberlain; William the son of Toole; William of Bath; in the presence of the whole household of the archbishop, clerical and lay, in York.

III. *GILD MERCHANT DOCUMENTS.*

An almost invariable provision in the early town charters was the privilege of possessing a gild merchant, or hanse house, as it was called in the charter of Beverly. This universality of the gild merchant indicates its close connection with the municipal community itself, as well as the prevailing commercial character of the latter. The existence of the gild merchant has been definitely proved in 102 towns and there is little reason to doubt that it existed in practically all the others. The gild merchant therefore was substantially the embodiment of the trading monopoly of the chartered city or borough. Its principal characteristics are exemplified in the subjoined documents. The difficult questions of its origin as an institution, its connection with the municipal government, its relation to the craft guilds, and its later decadence or disappearance, are fully discussed in the standard work on the subject: Gross, *The Gild Merchant*. The ordinances of the guilds of Southampton and Lynn Regis are almost the only remaining bodies of statutes. The former document belongs to the fourteenth century, but the provisions are evidently of very different dates. The first eleven seem to be the oldest, and perhaps with others extend back to a far earlier period than 1300. The gild merchant of Lynn Regis is mentioned as early as 1205, in a charter granted by King John, and remained in existence until November 4, 1547. It was clearly distinct from the town government, though connected with it at many points. It had a large membership: its property brought in at one time an income of some £400 a year; it possessed a gild hall which still exists, and sustained in 1389, thirteen chaplains, "daily and yearly to pray as well for the king, his ancestors, and for the peace and welfare of his kingdom, as for the souls of all the aldermen, brethren, and benefactors of the said gild; also for the souls of all the faithful deceased." Six of these chaplains officiated in the church of St. Margaret, four in the chapel of St. Nicholas, and three in the chapel of St. James, all in Lynn. In addition to its religious activity, the gild contributed largely both by money and by administration to the charities, educational work, and public improvements of the city.

ORDINANCES OF THE GILD MERCHANT OF SOUTHAMPTON.

French : Gross' Gild Merchant, II, 214, etc. ; and English : Davies' History of Southampton, pp. 139, etc.

§ 1. ¹In the first place, there shall be elected from the gild merchant, and established, an alderman, a steward, a chaplain, four skevins, and an usher. And it is to be known that whosoever shall be alderman shall receive from each one entering into the gild fourpence, the steward, twopence ; the chaplain, twopence ; and the usher, one penny. And the gild shall meet twice a year : that is to say, on the Sunday next after St. John the Baptist's day, and on the Sunday next after St. Mary's day.

§ 2. And when the gild shall be sitting no one of the gild is to bring in any stranger, except when required by the alderman or steward. And the alderman shall have a sergeant to serve before him, the steward another sergeant, and the two skevins a sergeant, and the other two skevins a sergeant, and the chaplain shall have his clerk.

§ 3. And when the gild shall sit, the alderman is to have, each night, so long as the gild sits, two gallons of wine and two candles, and the steward the same ; and the four skevins and the chaplain, each of them one gallon of wine and one candle, and the usher one gallon of wine.

§ 4. And when the gild shall sit, the lepers of La Madeleine shall have of the alms of the gild, two sesters² of ale, and the sick of God's House and of St. Julian shall have two sesters of ale. And the Friars Minors shall have two sesters of ale and one sester of wine. And four sesters of ale shall be given to the poor wherever the gild shall meet.

§ 5. And when the gild is sitting, no one who is of the gild shall go outside of the town for any business, without the permission of the steward. And if any one does so, let him be fined two shillings, and pay them.

§ 6. And when the gild sits, and any gildsman is outside of the city so that he does not know when it will happen, he shall have a gallon of wine, if his servants come to get it. And if a gildsman is ill and is in the city, wine shall be sent to him, two loaves of bread and a gallon of wine and a dish from the kitchen ; and two approved men of the gild shall go to visit him and look after his condition.

¹ In the original a rubric is introduced at the beginning of each paragraph, describing its subject, usually in the same terms as the body of the paragraph. They are omitted here on account of their want of especial significance.

² Sester, or sextary, apparently equals four gallons : Stubbs ; and see § 4 on page 17 of this pamphlet.

§ 7. And when a gildsman dies, all those who are of the gild and are in the city shall attend the service of the dead, and gildsmen shall bear the body and bring it to the place of burial. And whoever will not do this shall pay according to his oath, two pence, to be given to the poor. And those of the ward where the dead man shall be ought to find a man to watch over the body the night that the dead shall lie in his house. And so long as the service of the dead shall last, that is to say the vigil and the mass, there ought to burn four candles of the gild, each candle of two pounds weight or more, until the body is buried. And these four candles shall remain in the keeping of the steward of the gild.

§ 8. The steward ought to keep the rolls and the treasure of the gild under the seal of the alderman of the gild.

§ 9. And when a gildsman dies, his eldest son or his next heir shall have the seat of his father, or of his uncle, if his father was not a gildsman, and of no other one; and he shall give nothing for his seat. No husband can have a seat in the gild by right of his wife, nor demand a seat by right of his wife's ancestors.

§ 10. And no one has the right or power to sell or give his seat in the gild to any man; and the son of a gildsman, other than his eldest son, shall enter into the gild on payment of ten shillings, and he shall take the oath of the gild.

§ 11. And if a gildsman shall be imprisoned in England in time of peace, the alderman with the steward and with one of the skevins shall go at the cost of the gild, to procure the deliverance of the one who is in prison.

§ 12. And if any gildsman strikes another with his fist; and is convicted thereof, he shall lose the gild until he shall have bought it back for ten shillings, and taken the oath of the gild again like a new member. And if a gildsman strikes another with a stick, or a knife, or any other weapon, whatever it may be, he shall lose the gild and the franchise, and shall be held as a stranger until he shall have been reconciled to the good men of the gild and has made recompense to the one whom he has injured, and has paid a fine to the gild of twenty shillings; and this shall not be remitted.

§ 13. If any one does an injury, who is not of the gild, and is of the franchise or strikes a gildsman and is reasonably convicted he shall lose his franchise and go to prison for a day and a night.

§ 14. And if any stranger or any other who is not of the gild

nor of the franchise, strikes a gildsman, and is reasonably convicted thereof, let him be in prison two days and two nights, unless the injury is such that he should be more severely punished.

§ 15. And if a gildsman reviles or slanders another gildsman, and a complaint of it comes to the alderman, and if he is reasonably convicted thereof, he shall pay two shillings fine to the gild, and if he is not able to pay he shall lose the gild.

§ 16. And if anyone who is of the franchise, speaks evil of a gildsman, and is convicted of this before the alderman, he shall pay five shillings for a fine or lose the franchise.

§ 17. And no one shall come to the council of the gild if he is not a gildsman.

§ 18. And if anyone of the gild forfeits the gild by any act or injury, and is excluded by the alderman and the steward and the skevins and the twelve sworn men of the city; and he wishes to have the gild again, he shall do all things anew just as one who has never been of the gild, and shall make amends for his injury according to the discretion of the alderman and the aforesaid approved men. And if anyone of the gild or of the franchise brings a suit against another outside of the city, by a writ or without a writ, he shall lose the gild and the franchise if he is convicted of it.

§ 19. And no one of the city of Southampton shall buy anything to sell again in the same city, unless he is of the gild merchant or of the franchise. And if anyone shall do so and is convicted of it, all which he has so bought shall be forfeited to the king; and no one shall be quit of custom unless he proves that he is in the gild or in the franchise, and this from year to year.

§ 20. And no one shall buy honey, fat, salt herrings, or any kind of oil, or millstones, or fresh hides, or any kind of fresh skins, unless he is a gildsman: nor keep a tavern for wine, nor sell cloth at retail, except in market or fair days; nor keep grain in his granary beyond five quarters, to sell at retail, if he is not a gildsman; and whoever shall do this and be convicted, shall forfeit all to the king.

§ 21. No one of the gild ought to be partner or joint dealer in any of the kinds of merchandise before mentioned with anyone who is not of the gild, by any manner of coverture, or art, or contrivance, or collusion, or in any other manner. And whosoever shall do this and be convicted, the goods in such manner bought shall be forfeited to the king, and the gildsman shall lose the gild.

§ 22. If any gildsman falls into poverty and has not the wherewithal to live, and is not able to work or to provide for himself, he shall have one mark from the gild to relieve his condition when the gild shall sit. No one of the gild nor of the franchise shall avow another's goods for his by which the custom of the city shall be injured. And if any one does so and is convicted, he shall lose the gild and the franchise; and the merchandise so avowed shall be forfeited to the king.

§ 23. And no private man nor stranger shall bargain for or buy any kind of merchandise coming into the city before a burgess of the gild merchant, so long as the gildsman is present and wishes to bargain for and buy this merchandise; and if anyone does so and is convicted, that which he buys shall be forfeited to the king.

§ 24. And anyone who is of the gild merchant shall share in all merchandise which another gildsman shall buy or any other person, whosoever he is, if he comes and demands part and is there where the merchandise is bought, and also if he gives satisfaction to the seller and gives security for his part. But no one who is not a gildsman is able or ought to share with a gildsman, without the will of the gildsman.

§ 25. And if any gildsman or other of the city refuse a part to the gildsman in the manner abovesaid, he shall not buy or sell in that year in the town, except his victuals.

§ 26. And if any merchant of the town buys wine or grain so that all the risk shall be on the buyer, he shall not pay custom for this merchandise. And if any risk is upon the seller, he shall pay.

§ 27. It is provided that the chief alderman of the town, or the bailiffs and the twelve sworn men, shall give attention to the merchants as well strangers as private men, as often as it shall be required, to see that they have sufficient security for their debts, and recognisance from their debtors; and the day of this shall be enrolled before them, so that if that day is not kept, on proof by the creditor, the debtor should be then distrained according to the recognisance which he has made, in lands and chattels, to give satisfaction according to the usage of the town, without any manner of pleading, so that the men of the town should not have damage by the default of payment of the debtors aforesaid.

§ 28. And if any gildsman for any debt which he may owe, will not suffer himself to be distrained, or when he has been distrained, shall break through, or make removal or break the king's lock, and be convicted thereof, he shall lose his gildship until he has bought it again for twenty shillings, and this each time that he offends in such manner.

And he shall be none the less distrained until he has made satisfaction for the debt he owes ; and if he will not submit to justice as aforesaid and be thereof convicted, he shall go to prison for a day and a night like one who is against the peace ; and if he will not submit to justice let the matter be laid before the king and his council in manner aforesaid.

§ 29. And the chief alderman, and the twelve sworn men, or the bailiffs, each month, or at least four times a year shall see that the assize of bread and ale be well kept in all points according to the price of corn.¹

§ 32. Every year, on the morrow of St. Michael, shall be elected by the whole community of the town, assembled in a place provided, to consider the estate and treat of the common business of the town—then shall be elected by the whole community, twelve discreet men to execute the king's commands, together with the bailiffs, and to keep the peace and protect the franchise, and to do and keep justice to all persons, as well poor as rich, natives or strangers, all that year ; and to this they shall be sworn in the form provided. And these twelve discreet men shall choose the same day two discreet men from among themselves and the other profitable and wise men to be bailiffs for the ensuing year, who shall take care that the customs shall be well paid ; and they shall receive their jurisdiction the day after Michaelmas, as has been customary. And this shall be done from year to year, so that the bailiffs shall be renewed every year, and the twelve aforesaid, if there is occasion. The same shall be done as to clerk and sergeants of the city, in making and removing.

§ 35. The common chest shall be in the house of the chief alderman or of the steward, and the three keys of it shall be lodged with three discreet men of the aforesaid twelve sworn men, or with three of the skevins, who shall loyally take care of the common seal, and the charters and the treasure of the town, and the standards, and other muniments of the town ; and no letter shall be sealed with the common seal, nor any charter taken out of the common-chest but in the presence of six or twelve sworn men, and of the alderman or steward ; and nobody shall sell by any kind of measure or weight that is not sealed, under forfeiture of two shillings.

§ 63. No one shall go out to meet a ship bringing wine or other merchandise coming to the town, in order to buy anything, before the

¹The remaining 48 paragraphs, with the exception of § 32, § 35 and § 63, are of comparatively little significance as explanatory of the ordinary gild merchant.

ship be arrived and come to anchor for unlading ; and if any one does so and is convicted, the merchandise which he shall have bought shall be forfeited to the king.

*ORDINANCE OF THE GILD MERCHANT OF THE HOLY
TRINITY OF LYNN REGIS.*

English : Gross' Gild Merchant, II, 160; and Richard's History of Lynn, 452-458.

§ 1. If any stranger is willing to enter into the fraternity, he ought to pledge into the hands of the alderman 100s. and the aforesaid dues of the house. That is to say, to the alderman 4d. to the clerk 2d. to the dean 2d. and afterward out of the 100s. pledged with the alderman and his brethren¹, and shall immediately give one sextary of wine, that is 10d.

§ 2. If any brother has a son, or sons, legitimate, who are willing to enter into the said fraternity, each one ought to pay for his entrance 4s. the aforesaid dues being excepted.

§ 3. Whoever will enter into the said fraternity, ought on the first day of his admission to wait and serve before the alderman and the brethren honorably, in neat clothes and a coronet of gold or silver.

§ 4. The alderman to have on the day of Pentecost one sextary of wine, and the dean half a sextary, the clerk half and each of the skevins, the same day, half a sextary, and every day after, as long as the drinking shall continue, the alderman shall have half a sextary, the dean, clerk and each of the skevins one gallon, and each of the attendants half a gallon, at evening.

§ 5. If any of the brethren shall disclose to any stranger the councils of the said gild, to their detriment without the assent of the alderman and his brethren, he shall forfeit the sum of 32d.

§ 6. If any of the brethren shall fall into poverty or misery, all the brethren are to assist him by common consent out of the chattels of the house or fraternity, or of their proper own.

§ 7. If any brother shall be impleaded, either within Lynn or without, the brethren there present ought to assist him in their council, if they are called, to stand with him and counsel him without any costs ; and if they do not they are to forfeit 32d.

§ 8. None of the brethren is to come into the gild before the alderman and his brethren with his cap or hood on, or barefoot, or in any rustic manner ; if he does he is to be amerced 4d.

¹ Illegible in the manuscript.

§ 9. If any one should sleep at the gild, either at the general meeting or at their feasts and drinking, he is to forfeit 4d.

§ 10. If any one turns him rudely to his brother, or calls him by any rude name, he is to be amerced 4d.

§ 11. If any is called and cited at a prime¹ and does not come before the issue of the first consult, he is to pay 1d. by order of the dean; and if he refuses and sits down he is to be amerced 4d.

§ 12. If any one should be cited to the prime, and shall be found in the town or shall come late to the drinking, and the dean shall say to him to be there at the next prime, and he does not come before they begin to take judgments of defaults, he shall either make some reasonable excuse, or pay 12d., and if he comes before the faults are adjudged, and shall depart without leave he shall pay 12d.

§ 13. If any one of this house shall buy anything and a brother shall come in unexpectedly before the agreement, or at it, he ought to be a partner with him that buys, and if the buyer refuses it, he is to be amerced half a mark.

§ 14. If any servant of the brethren comes at the drinking, or the prime, he is to lay down his cap and cloak, and give it to the janitor to keep, whilst he enters and speaks to his master, and then he is to depart forthwith; if it is at the drinking, let him drink once or twice, provided he does not sit, and then he is to depart, and if he does not his master is to be amerced.

§ 15. If any one refuse to obey the precept of the alderman or dean, for the honor and profit of the house, he is to be amerced 12s.

§ 16. If any poor brother shall die, the alderman and brethren shall see that his body be honorably buried, of the goods or chattels of the house, or out of alms, if he has not the wherewith to bury himself.

§ 17. If the alderman shall die, none belonging to him, neither son nor any other, can act in anything as alderman, but the brethren may choose a new alderman, whom they please.

§ 18. If any brother shall die, the dean is to summon all the brethren to make their offerings for the soul of the deceased; and if anyone is absent he is to give $\frac{1}{2}$ d. at the next prime following, for the soul of the defunct, and the dean is to have 4d. of the alms collected, for the citing of the brethren.

¹Principal or regular meeting.

§ 19. If any brother, or alderman, shall act contrary to the ordinances of this house, he is either to forfeit his brotherhood, or pay half a mark for the good of the house.

§ 20. No one shall intrude himself while the drinking continues.

§ 21. If any brother shall offend another brother, in word or deed, he shall make no complaint but to the alderman first, and the mayor ; if he does not he is to be amerced half a mark.

§ 22. If the skevins shall merchandize with the chattels of the house, no brother shall have any part therein, but the whole profit shall go to the use of the gild.

§ 23. The skevins are to swear, when they receive the chattels of the house, that they will employ the same faithfully to the good of the gild, and will fully account and answer for the profit.

*Selections from the USAGES AND CUSTOMS OF THE GILD OF
THE HOLY TRINITY OF LYNN.*

If any of the aforesaid brethren shall die in the said town or elsewhere, as soon as knowledge thereof shall come to the alderman, the said alderman shall order solemn mass to be celebrated for him, at which every brother of the said gild that is in town shall make his offering ; and further, the alderman shall cause every chaplain of the said gild, immediately on the death of any brother, to say thirty masses for the deceased.

The alderman and skevins of the said gild are by duty obliged to visit four times a year all the infirm, all that are in want, need or poverty, and to minister to and relieve all such, out of the alms of the said gild.

If any brother shall become poor and needy, he shall be supported in food and clothing, according to his exigency, out of the profits of the lands and tenements, goods and chattels of the said gild.

If anyone has a desire and is willing for the honor of the Holy Trinity, to be received into the said gild, that he may be partaker of the alms and benefactions thereof, he shall give to the said gild a certain sum of money to the maintenance of the said alms and benefactions, according to what shall be agreed upon by the alderman and brethren thereof.

No born serf or one of such like condition, nor any apprentice can be received, and if any one of such like condition should be received into the said gild, the alderman and his brethren not knowing it, when

it is truly and lawfully proved, such a one shall lose the benefit of the gild.

No one until he arrive at the age of twenty-one years, and is of honest fame and condition, can be received into the said gild.

It was ordained on Wednesday, in the week of Pentecost, in the seventh year of Edward III, (1334), that the brethren should keep a general morwespeche three times a year, to wit ; on Friday in Whitsun-week, on Friday after the exaltation of the Holy Cross, and on Friday in the first week of Lent.

On Friday in the week of Pentecost, in the 23d year of Edward III. (1349), it was provided by common assent forever that no brother should buy or sell any millstones or marble stones, brought to Lynn to be sold, as long as the skevins of this house would buy them for the profit of the gild and pay for them to the full ; and if any one brother should act contrary hereto, he should forever be deprived of the society.

On Friday next after the feast of the exaltation of the Holy Cross, in the 31st year of Edward III, (1357), Jeffrey Drew, then being alderman, it was unanimously agreed by the alderman and his brethren, that as by the grant of the king in his charter, the borough of Bishop's Lynn had this liberty, that the burgesses of the same in all fairs through the kingdom of England were free, and enjoyed that freedom ; when, therefore, anyone of the said burgesses or brethren should go to the fair at Stourbridge, or where any such like fair is held, and has taken his place by the consent of any of the bailiffs of those places, and marked it out by stakes or pins, by wood or stone ; if any other burgess of Lynn, or brother, either by presents or favors, should deprive of or expel the aforesaid burgess or brother from his place so taken as aforesaid, he is to be looked upon and esteemed as a transgressor of the aforesaid liberty, and to be fined 40s., so that the person so deprived and expelled may have 20s. of it ; and if the transgressor shall happen to be a brother of the said gild, he shall be obliged by the alderman to pay 20s. for the benefit of the said gild ; and if the transgressor shall be a burgess, and not a brother of the gild, he shall be obliged to pay 20s. by the mayor of the town, for the benefit of the commonalty of the said town.

IV. CRAFT GILD DOCUMENTS.

The earliest mention of an organization made up of the members of some one industry in a town, is to be found in the record of payments from the weavers' gilds, in the exchequer roll of A. D. 1130, printed below. These craft gilds, later, especially in the fourteenth and fifteenth centuries, became numerous, and in many cases wealthy and influential. Their growth corresponds to the development of

handicrafts in the towns, as the earlier organizations corresponded to trading. Industries were subdivided to the most minute degree of distinction of occupation for purposes of organization, some cities possessing fifty or more craft gilds. The various branches of trade were similarly subdivided and organized. Ultimately these manufacturing, trading and other industrial organizations quite superseded the gilds merchant. The relations of the craft gilds and other fraternities to the town governments varied from entire subordination, as in the earlier gilds in London, to a large measure of independent jurisdiction, based in many cases, as in that of the tailors of Exeter, printed below, on a charter obtained directly from the crown. In addition to the functions of the craft gilds in regulating industry, preserving order, serving as beneficial societies, and religious and social organizations, their connection with the production of religious dramas became especially close. The appellation of "mystery plays," given so frequently to these pageants seems to be derived from their production by the misteries or craft gilds. The list of pageants in the *Corpus Christi* play at York is given as typical of this form of activity.

EXTRACTS FROM PIPE ROLL OF 30 HENRY I., A. D. 1130.

Latin : Record Commission Edition, 1833 ; pp. 109, 2, 144.

The weavers of Oxford return their account of one mark of gold for their gild. In the treasury, £6 for one mark of gold ; and they are quit.

And the same sheriff returns his account of one mark of gold for the gild of the weavers of Lincoln. In the treasury, £6 for one mark of gold ; and he is quit.

Robert the son of Lewistan, returns his account of £6 from the gild of the weavers of London. In the treasury, he has made his settlement ; and he is quit.

ARTICLES OF THE SPURRIERS OF LONDON, A. D. 1345.

Riley's Memorials of London, pp. 226-228.

Be it remembered, that on Tuesday, the morrow of St. Peter's Chains, in the nineteenth year of the reign of King Edward III, the articles underwritten were read before John Hammond, mayor, Roger de Depham, recorder, and the alderman ; and seeing that the same were deemed befitting, they were accepted and enrolled in these words.

In the first place,—that no one of the trade of spurriers shall work longer than from the beginning of the day until curfew rung out at the Church of St. Sepulchre, without Newgate ; by reason that no man can work so neatly by night as by day. And many persons of the said

trade, who compass how to practice deception in their work, desire to work by night rather by day; and then they introduce false iron, and iron that has been cracked, for tin, and also they put gilt on false copper, and cracked. And further,—many of the said trade are wandering about all day, without working at all at their trade; and then, when they have become drunk and frantic, they take to their work, to the annoyance of the sick, and all their neighborhood, as well by reason of the broils that arise between them and the strange folks who are dwelling among them. And then they blow up their fires so vigorously, that their forges begin all at once to blaze to the great peril of themselves and of all the neighborhood around. And then, too, all the neighbors are much in dread of the sparks, which so vigorously issue forth in all directions from the mouths of the chimneys in their forges. By reason thereof it seems unto them that working by night should be put an end to, in order such false work and such perils to avoid: and therefore the mayor and the aldermen do will, by the assent of the good folks of the said trade, and for the common profit, that from henceforth such time for working, and such false work made in the trade, shall be forbidden. And if any person shall be found in the said trade to do the contrary hereof, let him be amerced, the first time in 40d., one-half thereof to go to the use of the Chamber of the Guildhall of London, and the other half to the use of the said trade; the second time, in half a mark, and the third time in 10s., to the use of the same Chamber and trade; and the fourth time, let him forswear the trade forever.

Also that no one of the said trade shall hang his spurs out on Sundays, or any other days that are double feasts; but only a sign indicating his business: and such spurs as they shall so sell, they are to show and sell within their shops, without exposing them without, or opening the doors or windows of their shops, on the pain aforesaid.

Also, that no one of the said trade shall keep a house or shop to carry on his business, unless he is free of the city; and that no one shall cause to be sold, or exposed for sale, any manner of old spurs for new ones, or shall garnish them or change them for new ones.

Also, that no one of the said trade shall take an apprentice for a less term than seven years, and such apprentice shall be enrolled according to the usages of the said city.

Also, that if any one of the said trade, who is not a freeman, shall take an apprentice for a term of years, he shall be amerced as aforesaid.

Also, that no one of the said trade shall receive the apprentice, serving-man or journeyman of another in the same trade, during the term agreed upon between his master and him ; on the pain aforesaid.

Also, that no alien of another country, or foreigner of this country, shall follow or use the said trade, unless he is enfranchised before the mayor, alderman and chamberlain ; and that by witness and surety of the good folks of the said trade, who will undertake for him as to his loyalty and his good behavior.

Also, that no one of the said trade shall work on Saturdays, after None has been rung out in the City ; and not from that hour until the Monday morning following.

ORDINANCES OF THE WHITE-TAWYERS.

Riley's Memorials of London, pp. 232-234.

In honor of God, of Our Lady, and of All Saints, and for the nurture of tranquillity and peace among the good folks the megucers, called white-tawyers,¹ the folks of the same trade have, by assent of Richard Lacer, mayor, and of the aldermen, ordained the points under-written.

In the first place, they have ordained that they will find a wax candle, to burn before our Lady in the church of Allhallows, near London wall.

Also, that each person of the said trade shall put in the box such sum as he shall think fit, in aid of maintaining the said candle.

Also, if by chance any one of the said trade shall fall into poverty, whether through old age or because he cannot labor or work, and have nothing with which to keep himself, he shall have every week from the said box 7d. for his support, if he be a man of good repute. And after his decease, if he have a wife, a woman of good repute, she shall have weekly for her support 7d. from the said box, so long as she shall behave herself well and keep single.

And that no stranger shall work in the said trade, or keep house for the same in the city, if he be not an apprentice, or a man admitted to the franchise of the said city.

And that no one shall take the serving-man of another to work with him, during his term, unless it be with the permission of his master.

¹Those who dressed leather with salt, alum and other substances, giving it a white surface.

And if any one of the said trade shall have work in his house that he cannot complete, or if for want of assistance such work shall be in danger of being lost, those of the said trade shall aid him, that so the said work be not lost.

And if any one of the said trade shall depart this life, and have not wherewithal to be buried, he shall be buried at the expense of their common box. And when any one of the said trade shall die, all those of the said trade shall go to the vigil, and make offering on the morrow.

And if any serving-man shall conduct himself in any other manner than properly towards his master, and act rebelliously toward him, no one of the said trade shall set him to work, until he shall have made amends before the mayor and aldermen; and before them such misprision shall be redressed.

And that no one of the said trade shall behave himself the more thoughtlessly, in the way of speaking or acting amiss, by reason of the points aforesaid; and if any one shall do to the contrary thereof, he shall not follow the said trade until he shall have reasonably made amends.

And if any one of the said trade shall do to the contrary of any point of the ordinances aforesaid, and be convicted thereof by good men of the said trade, he shall pay to the Chamber of the Gildhall of London, the first time 2s., the second time 40d., the third time half a mark, and the fourth time 10s., and shall forswear the trade.

Also,—¹ that the good folks of the same trade shall once in the year be assembled in a certain place, convenient thereto, there to choose two men of the most loyal and benefitting of the said trade, to be overseers of work and all other things touching the trade for that year; which persons shall be presented to the mayor and aldermen for the time being, and sworn before them diligently to inquire and make search, and loyally to present to the said mayor and aldermen such defaults as they shall find touching the said trade without sparing anyone for friendship or for hatred, or in any other manner. And if any one of the said trade shall be found rebellious against the said overseers, so as not to let them properly make their search and assay, as they ought to do; or if he shall absent himself from the meeting aforesaid, without reasonable cause, after due warning by the said overseers, he shall pay to the Chamber, upon the first default, 40d.; and on the sec-

¹ This and the succeeding paragraphs were added to the earlier ordinances thirty years later, that is in 1376.

ond like default, half a mark ; and on the third one mark ; and on the fourth, 20s., and shall forswear the trade forever.

Also, that if the overseers shall be found lax and negligent about their duty, or partial to any person for gift or for friendship, maintaining him or voluntarily permitting him to continue in his default, and shall not present him to the mayor and aldermen, as before stated, they are to incur the penalty aforesaid.

Also, that each year, at such assemblies of the good folks of the said trade, there shall be chosen overseers, as before stated. And if it be found that through laxity or negligence of the said governors such assemblies are not held, each of the said overseers is to incur the said penalty.

Also, that all skins falsely and deceitfully wrought in their trade which the said overseers shall find on sale in the hands of any person, citizen or foreigner, within the franchise shall be forfeited to the said chamber, and the worker thereof amerced in manner aforesaid.

Also, that no one who has not been an apprentice, and has not finished his term of apprenticeship in the said trade, shall be made free of the same trade ; unless it be attested by the overseers for the time being, or by four persons of the said trade, that such person is able and sufficiently skilled to be made free of the same.

Also, that no one of the said trade shall induce the servant of another to work with him in the said trade, until he has made a proper fine with his first master, at the discretion of the said overseers, or of four reputable men of the said trade. And if any one shall do to the contrary thereof, or receive the serving workman of another to work with him during his term, without leave of the trade, he is to incur the said penalty.

Also, that no one shall take for working in the said trade more than they were wont heretofore, on the pain aforesaid ; that is to say, for the dyker¹ of Scotch stags, half a mark ; the dyker of Irish stags, half a mark ; the dyker of Spanish stags, 10s. ; for the hundred of goat skins, 20s. ; the hundred of roe leather, 16s. ; for the hundred skins of young deer, 8s. ; and for the hundred of kid skins, 8s.

¹ A dyker is a package of ten.

*ORDINANCES OF THE GILD OF THE TAILORS, EXETER,
A. D. 1466.*

English : Smith's English Gilds, Early English Text Society, 1870, pp. 312-316.

To the worship of God and of our Lady Saint Mary, and of St. John the Baptist, and of all Saints ; These be the ordinances made and established of the fraternity of the craft of tailors, of the city of Exeter, by assent and consent of the fraternity of the craft aforesaid gathered there together, for evermore to endure.

First, it is ordained, by virtue of the charter¹ granted by our sovereign lord King Edward the Fourth, in the sixth year of his reign, that the master of the aforesaid craft for the time being, every Thursday shall be at the common hall, or else a deputy for him upon pain of two pounds of wax. And every warden that is absent without reasonable cause shall pay a pound of wax to the use and profit of the aforesaid fraternity ; and that the aforesaid master and wardens be there every Thursday at nine of the clock, there to ordain and rule what may be for the welfare of the fraternity and craft aforesaid, and none to act without the other.

Also, it is ordained by the master and wardens and the common council aforesaid that every person who is privileged with the craft aforesaid who is of the value of £20 of goods and above, shall be of the masters' fellowship and clothing. And every person that is of the fellowship and the aforesaid craft shall pay, every year, for his feast, at Midsummer, 12d., and his offering ; and for his clothing as it comes to, within a month from Midsummer day, upon pain of being put out of the aforesaid fraternity and craft for evermore. And every person that is so admitted shall pay a spoon of silver, weighing an ounce, and its fashioning.

Also, it is ordained that every out-brother,² that is not privileged of the aforesaid fraternity and gild, shall pay every year 6d. at Midsummer. And if he refuse to pay this within a month from Midsummer, he is to be dismissed from the aforesaid fraternity and gild for evermore.

¹ A charter granted directly by the king, 17th November, 1466 ; the original with a portion of the great seal attached being still in the archives of the city of Exeter.

² "Youte Brodere," apparently means a member of the gild who is not by occupation a tailor.

Also, it is ordained that all the fellowship of the bachelors shall hold their feast on St. John's day, in harvest. And every person that is a shop-holder of the aforesaid fellowship and craft shall pay to the aforesaid feast 8d. and his offering. And every servant¹ that receiveth wages shall pay 6d. to the aforesaid feast. And every out-brother that is of the aforesaid fellowship shall pay, every year, 4d. And if any of the fellowship and craft aforesaid, refuse to pay this, then their names shall be certified to the master and wardens, that they may do correction therein, as belongeth to them to do, according to charter granted by the sovereign lord, the King Edward the Fourth, the sixth year of his reign, by assent and consent of the mayor, the bailiffs, and commons of the city of Exeter, for ever to endure.

Also, it is ordained by the aforesaid master and wardens and fellowship of the fraternity and craft aforesaid that every servant that is of the aforesaid craft that taketh wages to the value of 20s. and above shall pay 20d. to be a free sewer, to the use and profit of the aforesaid fraternity; that no man of the aforesaid craft set any new sewer to work above the space of fifteen days without bringing him before the master and wardens there to pay his 20d. to be made a free sewer, or else to find a surety.

Also it is ordained by the master and wardens aforesaid that if any person of the aforesaid craft who is bound to pay any debt over to the aforesaid master and wardens, breaks his day by the space of half a year, he shall forfeit his whole bond. Provided, always, that if any person or persons aforesaid have fallen into poverty, and will testify so by his oath, he shall be discharged of his bond and debt and shall have sustenance by the foresaid craft as may be thought, by their discretion, convenient and reasonable.

Also, it is ordained by the foresaid master and wardens that if any brother of the aforesaid fraternity and craft despise another, calling him knave, or whoreson, or stupid, or any other misname, he shall pay at the first fault, 12d.; at the second fault, 20d.; and at the third fault, to be put out of the fraternity and craft for evermore.

Also, it is ordained by the foresaid master and wardens and the whole fellowship, that if any brother of the aforesaid craft take any

¹ There are evidently, in addition to the out-brethren, three classes of members of the gild: (1) those of £20 and above, who wear the livery; (2) the shop-holders or independent craftsmen of less substance than the former; and (3) the servants, journeymen, or free sewers as they are subsequently called.

clothing of any lord, knight or gentlemen, outside of the city without leave of the master and wardens, at the first fault, 40s., and at the second fault to be put out of the fraternity and craft for evermore.

Also, it is ordained by the foresaid master and wardens that there shall be four quarter-days that every brother of this craft shall assemble at our common-hall. And every shop-holder shall spend 2d. for a breakfast, or send his money by a deputy. And at that the oath and the ordinances and constitutions shall be read. The first day shall be the next Thursday after Twelfth day, and the second day shall be the second Thursday after Easter, and the third day shall be the second Thursday after the feast of St. John the Baptist, and the fourth day shall be the next Thursday after St. Michael's day. And at every of these foresaid days, after dinner there shall come all free sewers and take the remains of the meat and drink that the aforesaid master and shop-holders leave; and each of them shall spend 1d. to the welfare of the aforesaid fraternity and gild.

Also, it is ordained by the master and wardens that at every coste of ale that is given into the aforesaid fraternity and gild, every shop-holder shall spend thereto 1d., and every free sewer one farthing, and he that cometh not shall send his money by the beadle, upon pain of one pound of wax.

Also, it is ordained by the master and wardens and all the whole craft, that from henceforth no man of the said craft shall hold more than three servants and one apprentice at the most, without license of the master and wardens for the time being, upon pain of 40s. and he that pleadeth for him that doth against this ordinance shall forfeit 20s.

Also, it is ordained by the master and wardens and all the whole craft, that every person of the said craft that taketh an apprentice shall bring him before the master and wardens, there to have his indenture enrolled, the master to pay 12d. for his enrollment. This is to be done within a twelvemonth and a day or else he is to lose his freedom of the craft for evermore.

Also, it is ordained by the master and wardens and the craft aforesaid that every apprentice of the said craft that is enrolled and truly serveth his covenant shall pay a silver spoon weighing an ounce and its fashioning, and shall give a breakfast to the foresaid master and wardens before the day that he is able to be made freeman of the city aforesaid; and if he pay not a spoon worth 4s., then 4s. in money for the same.

Also, it is ordained by the master and wardens and the whole fel-

lowship that every person that shall be made free of the craft by redemption shall pay 20s. to his fine without any pardon; and when he is enabled, shall give a breakfast to the master and wardens, before he is admitted free man of the city. And every person so enabled from henceforth shall have, the first year, but one servant, the second year, two, the third, three, and an apprentice if he be able. And he that doeth against this ordinance shall forfeit, at the first fault, 20s. at the second offense, 40s., at the third offense, he shall be put out of the fraternity and craft for evermore.

*ORDER OF THE PAGEANTS OF THE CORPUS CHRISTI
PLAY IN THE CITY OF YORK, A. D. 1415.*

English : L. T. Smith's "York Plays." Introduction, xix.

Each fraternity or craft-gild had charge of one scene in the whole series and performed it on a platform on wheels, successively, at each appointed station in the city on Corpus Christi day. As one scene was completed, its players moved on to the next station, their place being taken by the company having in charge the next pageant in the series.

Tanners.—God the Father Omnipotent creating and forming the heavens, the angels and archangels, Lucifer and the angels who fell with him into the pit.

Plasterers.—God the Father in his substance creating the earth and all things which are therein, in the space of five days.

Cardmakers.—God the Father forming Adam from the mud of the earth, and making Eve from Adam's rib, and inspiring them with the breath of life.

Fullers.—God forbidding Adam and Eve to eat of the tree of life.

Coopers.—Adam and Eve and the tree between them, the serpent deceiving them with apples; God speaking to them and cursing the serpent, and an angel with a sword driving them out of Paradise.

Armorers.—Adam and Eve, an angel with a spade and distaff appointing them their labor.

Glovers.—Able and Cain sacrificing victims.

Shipwrights.—God warning Noah to make an ark out of planed wood.

Fishmongers and Mariners.—Noah in the ark with his wife, three sons of Noah with their wives, with various animals.

Parchment-makers and Book-binders.—Abraham sacrificing his son Isaac on the altar.

Hosiers.—Moses lifting up the serpent in the wilderness, King Pharaoh, eight Jews looking on and wondering.

Spicers.—A doctor declaring the sayings of the prophets concerning the future birth of Christ. Mary, the angel saluting her; Mary saluting Elizabeth.

Pewterers and Founders.—Mary, Joseph wishing to send her away, the angel telling them to go over to Bethlehem.

Tilers.—Mary, Joseph, a nurse, the child born and lying in a manger between an ox and an ass, and an angel speaking to the shepherds, and to the players in the next pageant.

Chandlers.—Shepherds speaking to one another, the star in the East. an angel announcing to the shepherds their great joy in the child which has been born.

Goldsmiths, Goldbeaters and Moneyers.—Three kings coming from the East, Herod questioning them about the child Jesus, and the son of Herod and two counsellors and a herald. Mary with the child, and the star above, and three kings offering gifts.

(Formerly) The House of St. Leonard, (now) Masons.—Mary, with the boy, Joseph, Anna, the nurse, with the young doves. Simeon receiving the boy into his arms, and the two sons of Simeon.

Marshalls.—Mary with the boy and Joseph fleeing into Egypt, at the bidding of the angel.

Girdlers, Nailers, and Sawyers.—Herod ordering the male children to be slain, four soldiers with lances, two counsellors of the king, and four women weeping for the death of their sons.

Spurriers and Lorimers.—Doctors, the boy Jesus sitting in the temple in the midst of them, asking them questions and replying to them, four Jews, Mary and Joseph seeking him, and finding him in the temple.

Barbers.—Jesus, John the Baptist baptizing him, and two angels attending.

Vinters.—Jesus, Mary, bridegroom with the bride, ruler of the feast with his slaves, with six vessels of water in which the water is turned into wine.

Smiths.—Jesus on a pinnacle of the temple, and the devil tempting him with stones, and two angels attending, etc.

Curriers.—Peter, James, and John ; Jesus ascending into a mountain and transfiguring himself before them. Moses and Elias appearing, and the voice of one speaking in a cloud.

Ironmongers.—Jesus, and Simon the leper asking Jesus to eat with him ; two disciples, Mary Magdalene bathing Jesus feet with her tears and drying them with her hair.

Plumbers and Patternmakers.—Jesus, two apostles, the woman taken in adultery, four Jews accusing her.

Pouchmakers, Bottlers, and Capmakers.—Lazarus in the sepulchre, Mary Magdalene and Martha, and two Jews wondering.

Spinners and Vestmakers.—Jesus on an ass with its colt, twelve apostles following Jesus, six rich and six poor, eight boys with branches of palm, singing Blessed, etc., and Zaccheus climbing into a sycamore tree.

Cutlers, Bladesmiths, Sheathers, Scalers, Bucklermakers, and Horners.—Pilate, Caiaphas, two soldiers, three Jews, Judas selling Jesus.

Bakers.—The passover lamb, the Supper of the Lord, twelve apostles, Jesus girded with a towel, washing their feet, institution of the sacrament of the body of Christ in the new law, communion of the apostles.

Cordwainers.—Pilate, Caiaphas, Annas, fourteen armed soldiers, Malchus, Peter, James, John, Jesus, and Judas kissing and betraying him.

Bowyers and Fletchers.—Jesus, Annas, Caiaphas, and four Jews beating and scourging Jesus. Peter, the woman accusing Peter, and Malchus.

Tapestry-makers and Couchers.—Jesus, Pilate, Annas, Caiaphas, two counsellors and four Jews accusing Jesus.

Littesters.—Herod, two counsellors, four soldiers, Jesus, and three Jews.

Cooks and Watercarriers.—Pilate, Annas, Caiaphas, two Jews, and Judas bringing back to them the thirty pieces of silver.

Tilemakers, Millers, Furriers, Hayresters, Bowlers.—Jesus, Pilate, Caiaphas, Annas, six soldiers holding spears with banners, and four others leading Jesus away from Herod, asking to have Barabbas released and Jesus crucified, and likewise binding and scourging him, and placing the crown of thorns upon his head ; three soldiers casting lots for the clothing of Jesus.

Shearmen.—Jesus, stained with blood, bearing the cross to Calvary. Simon of Cyrene, the Jews compelling him to carry the cross ;

Mary the mother of Jesus; John the apostle then announcing the condemnation and passage of her son to Calvary. Veronica wiping the blood and sweat from the face of Jesus with a veil on which is imprinted the face of Jesus, and other women mourning for Jesus.

Pinmakers, Latenmakers, and Painters.—The cross, Jesus stretched upon it on the ground; four Jews scourging Him and binding Him with ropes, and afterwards lifting the cross, and the body of Jesus nailed to the cross on Mount Calvary.

Butchers and Poultry Dealers.—The cross, two thieves crucified, Jesus hanging on the cross between them, Mary the mother of Jesus, John, Mary, James, and Salome. A soldier with a lance, a servant with a sponge, Pilate, Annas, Caiaphas, the centurion, Joseph of Arimathea and Nicodemus, placing Him in the sepulchre.

Saddlers, Glaziers and Joiners.—Jesus conquering hell; twelve spirits, six good, and six evil.

Carpenters.—Jesus rising from the sepulchre, four armed soldiers, and the three Marys mourning. Pilate, Caiaphas, and Annas. A young man seated at the sepulchre clothed in white, speaking to the women.

Winedrawers.—Jesus, Mary Magdalene with aromatic spices.

Brokers and Woolpackers.—Jesus, Luke, and Cleophas in the guise of travelers.

Scriveners, Illuminators, Pardoners and Dubbers.—Jesus, Peter, John, James, Philip, and the other apostles with parts of a baked fish, and a honey-comb; and Thomas the apostle touching the wounds of Jesus.

Tailors.—Mary, John the evangelist, the eleven apostles, two angels, Jesus ascending before them, and four angels carrying a cloud.

Potters.—Mary, two angels, eleven apostles, and the Holy Spirit descending upon them, and four Jews wondering.

Drapers.—Jesus, Mary, Gabriel with two angels, two virgins and three Jews of Mary's acquaintance, eight apostles, and two devils.

Linen-weavers.—Four apostles carrying the bier of Mary, and Fergus hanging above the bier, with two other Jews and an angel.

Woolen-weavers.—Mary ascending with a throng of angels, eight apostles, and the apostle Thomas preaching in the desert.

Innkeepers.—Mary, Jesus crowning her, with a throng of angels singing.

Mercers.—Jesus, Mary, the twelve apostles, four angels with trumpets, and four with a crown, a lance, and two whips, four good spirits, and four evil spirits, and six devils.

V. SOCIAL OR NON-INDUSTRIAL GILDS.

From very early times organizations existed in the nature of semi-religious clubs or benefit societies, the membership being voluntary and quite unconnected with trade or manufacturing interests or responsibilities. The characteristic tendency of the Middle Ages to organization found much of its satisfaction in these small social or religious gilds, which existed not only in the larger towns but even in villages. They were moreover among the most permanent of mediæval institutions. We have records of their existence alongside of the "frith-gilds" of Anglo-Saxon times ; a great proportion of the five hundred or more gilds which sent in reports of their ordinances in 1389¹ were of this class, and many were found among the "corporations, gilds, fraternities, companies and fellowships" dissolved in 1547.

RULES OF A GILD AT EXETER, BEFORE THE XI. CENTURY.

Anglo-Saxon ; Thorpe, *Diplomatarium Anglicum*, 613, and English ; Kemble, Saxons in England, i. 512, 513.

This assembly was collected in Exeter, for the love of God and for our soul's need, both in regard to our life here, and to the after days which we desire for ourselves by God's doom.

Now we have agreed that our meeting shall be thrice in the twelve months ; once at St. Michael's Mass, secondly at St. Mary's Mass, after mid-winter, and thirdly at Allhallow's Mass after Easter ; and let each gild-brother have two sesters of malt, and each young man one sester, and a sceat of honey ; and let the mass-priest at each of our meetings sing two masses, one for our living friends, the other for the dead ; and let each brother of common condition sing two psalters of psalms, one for the living and one for the dead ; and at the death of a brother, each man six masses ; or six psalters of psalms ; and at a death each man five pence ; and at a house-burning each man one penny. And if any one neglect the day, for the first time three masses, for the second five, and at the third time let him have no favor, unless his neglect arose from sickness or his lord's need. And if any one neglect his subscription at the proper day, let him pay double. And if any one of this brotherhood misgreet another, let him make boot with thirty pence. Now we pray for the love of God that every man hold this meeting rightly, as we rightly have agreed upon it. God help us thereunto.

¹ Many of these are printed, and others epitomized in Toulmin Smith's "English Gilds," published by the Early English Text Society in 1870.

REPORT OF WARDENS OF THE GILD OF ST. KATHARINE
AT NORWICH, A. D. 1389.

English: Toulmin Smith, English Gilds, pp. 19-21.

To the most excellent prince and lord, our lord Richard, by the grace of God, king of England and France, and to his council in his chancery, his humble lieges, the guardians of a certain fraternity of St. Katharine the virgin and martyr, in the church of St. Simon and St. Jude in Norwich, all subjection and reverence and honor. By virtue of a certain proclamation recently made according to royal command by the sheriff of the county of Norfolk at Norwich, we certify to your excellency according to the form of the aforesaid proclamation, that our aforesaid fraternity was founded in the year 1307, by certain parishioners of the said church, and by others devoted to God, to the honor of the Holy Trinity, and of the blessed Virgin Mary, and of St. Katharine the virgin and martyr, and of all saints, and for keeping up an increase of light in the said Church; under certain ordinances made and issued with common consent of the brothers and sisters of the aforesaid fraternity. The tenor of these ordinances follows in these words.

In the first place with one assent it is ordained that all the brethren and sisters of this gild shall come together to the parish church of St. Simon and St. Jude, in Norwich, on the day of St. Katharine, to go in the procession with their candle, which is borne before them, and to hear the mass of St. Katharine in the aforesaid church; and at that mass every brother and sister shall offer a half-penny.

And also it is ordained that what brother or sister shall be absent at the procession aforesaid, or at mass, or at offering, he shall pay to the chattels of the gild two pounds of wax, but they may be excused reasonably.

And also it is ordained, that where a brother or a sister is dead, and every brother and sister shall come to *dirige* and to mass; and at the mass, each shall offer a half-penny, and give a half-penny to alms; and for a mass to be sung for the soul of the dead, a penny. And at the *dirige*, every brother and sister that is lettered shall say, for the soul of the dead, *placebo and dirige*, in the place where they shall come together; and every brother and sister that is not lettered shall say for the soul of the dead, twenty times, the *Paternoster*, with *ave Maria*; and from the chattels of the gild shall there be two candles of wax, of sixteen pounds weight, about the body of the dead.

And also it is ordained, that if any brother or sister die out of the city of Norwich, within eight miles, six of the brethren that have the

chattels of the gild in keeping, shall go to that brother or sister that is dead; and if it be lawful, they shall carry it to Norwich, or else it be buried there; and if the body be buried out of Norwich, all the brethren and sisters shall be warned to come to the foresaid church of St. Simon and St. Jude, and there shall be done for the soul of the dead all service, light and offering as if the body were there present. And what brother or sister be absent at *placebo* and *dirige*, or at mass, he shall pay two pounds of wax to the chattels of the gild, unless he be reasonably excused. And nevertheless he shall do for the dead as it is said before.

And also it is ordained that, on the morrow after the gild day all the brethren and sisters shall come to the aforesaid church, and there sing a mass of requiem for the souls of the brethren and sisters of this gild, and for all Christian souls, and each offer there a farthing. And whoso is absent he shall pay a pound of wax.

And also it is ordained that if any brother or sister fall into poverty, through adventure of the world, his estate shall be helped by every brother and sister of the gild, with a farthing in the week.

And also it is ordained by common assent that if there be any discord between brothers and sisters, that discord shall be first showed to other brothers and sisters of the gild, and by them shall accord be made, if it may be skillfully. And if they cannot be so brought to accord, it shall be lawful to them to go to the common law, without any maintenance. And whoso does against this ordinance, he shall pay two pounds of wax to the light.

Also it is ordained, by common assent, that if any brother of this gild be chosen into office and refuse it, he shall pay two pounds of wax to the light of St. Katharine.

Also it is ordained, by common assent, that the brethren and sisters of this gild, in the worship of St. Katharine, shall have a livery of hoods in suit, and eat together in their gild day, at their common cost; and whoso fails, he shall pay two pounds of wax to the light.

Also it is ordained, by common assent, that no brother or sister shall be received into this gild but by the alderman and twelve brethren of the gild.

And as to the goods and chattels of the said fraternity, we make known to your excellency, likewise, that we the aforesaid guardians, have in our custody, for the use of the said fraternity, twenty shillings of silver.

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TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II.

THE NAPOLEONIC PERIOD.

No. 2.

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NAPOLEON AND HIS PLANS IN 1796-97.

Extracts from the Mémoires de Miot de Melito, Vol. I, Chapters IV and VI.

The 17th. Prairial¹ Bonaparte arrived at Brescia. . . . I found myself in his presence a few moments after he had alighted. I was strangely surprised at his appearance. Nothing could be farther from the picture which I had formed of him. I saw, in the midst of a numerous staff, a man below the medium height and extremely thin. His powdered hair, which was cut in a peculiar, square fashion below

¹ June 5, 1796.

the ears, fell down to his shoulders. He had on a strait coat, closely buttoned up, decorated with a very narrow gold embroidery, and wore a tri-colored plume in his hat. At first glance the face did not seem to me a fine one, but the striking features, a quick and searching eye, and abrupt, animated gestures, proclaimed an ardent soul, while the broad, serious forehead showed a deep thinker. He had me sit down by him and we talked about Italy. His speech was quick and at this time very incorrect.

On the 13th of Prairial (June 1st) I found Bonaparte at the magnificent residence of Montebello,¹ in the midst of a brilliant court rather than the headquarters of an army. Severe etiquette was already maintained in his presence. His aides-de-camp and officers were no longer received at his table and he exercised great care in the choice of those whom he did admit, so that to sit down with him was considered a rare honor, to be obtained only with difficulty. He dined so to speak in public, and during the meal the inhabitants of the country were admitted to the dining room and allowed to feast their eyes upon him. He showed himself, however, in no way embarrassed or confused by this exhibition of esteem, and received them as if he had always been accustomed to such tributes. His salons and a great canopy which he had had raised in front of the palace toward the gardens, were constantly filled with a throng of generals, officials, and purveyors, as well as the highest nobility and the most distinguished men of Italy who came to solicit the favor of a glance or a moment's conversation. . . . Bonaparte took us for a walk in the extensive gardens of his beautiful residence. The promenade lasted toward two hours, during which the general talked almost continuously. . . . "What I have done so far is nothing," he said to us ; "I am but at the opening of the career I am to run. Do you suppose that I have gained my victories in Italy in order to advance the lawyers of the Directory, the Carnots and the Barras? Do you think, either, that my object is to establish a Republic? What a notion! A republic of thirty million people, with our morals and vices! How could that ever be? It is a chimera with which the French are infatuated but which will pass away in time like all the others. What they want is glory and the gratification of their vanity ; as for liberty, of that they have no conception. Look at

¹ The interview here described took place a year later (1797) than that mentioned in the preceding extract. Montebello is a villa just out of Milan.

the army ! The victories which we have just gained have given the French soldier his true character. I am everything to him. Let the Directory attempt to deprive me of my command and they will see who is master. The nation must have a head, a head rendered illustrious by glory and not by theories of government, fine phrases, or the talk of idealists, of which the French understand not a whit. Let them have their toys and they will be satisfied. They will amuse themselves and allow themselves to be led, provided the goal is cleverly disguised."

THE TREATIES OF CAMPO FORMIO AND OF LUNÉVILLE.

The Treaties of Campo Formio and of Lunéville are closely related, since the results of Bonaparte's victories in 1796-7, which led to the former, were not permanently undone by the temporary reverses experienced by the French during Bonaparte's absence in Egypt. Hence, after Marengo and Hohenlinden, we have in the treaty of Lunéville the ratification of the agreements, both public and secret, of Campo Formio. The provisions of the treaties illustrate the unscrupulous manner in which Austria and France disposed of the lesser European States. The negotiations at Campo Formio inaugurated the system of rapid territorial redistribution which characterizes the Napoleonic Period.

References :—Fyffe, *Modern Europe*, Vol. I ; Häusser *Deutsche Geschichte*, Bd. II.

The most important open articles of the treaty of Campo Formio are as follows : Art. I provides for a perpetual and inviolable peace between the contracting parties. Art. III reads : "His Majesty the Emperor, King of Hungary and Bohemia, renounces for himself and his successors, in favor of the French Republic, all rights and titles to the former Belgian Provinces known under the name of the Austrian Netherlands. . . ." Art. V : "His Majesty the Emperor, King of Hungary and of Bohemia, consents that the French Republic shall possess in complete sovereignty the former Venetian Islands of the Levant, to wit : Corfu, Zante, Cephalonia, Santa Maura, Cerigo and other islands dependent upon them, as well as Butrinto, Arta, Vonizza, and in general all former Venetian stations in Albania, which are situated below the Gulf of Drino."¹ Art. VI : "The French Republic consents that His Majesty the Emperor and King, shall possess, with all sovereign and proprietary rights, the lands designated below, to wit : Istria, Dalmatia, the Islands of the Adriatic formerly belonging to Venice, the Mouths of the Cattaro, the City of Venice, the Lagunes, and the territories included between the hereditary possessions of His Majesty the Emperor and King, and a line, which, starting in Tyrol" and crossing the Lake of Garda to La Cise, was to follow the Adige, the Canale Bianco and the Po to the Adriatic. Art. VIII : "His Majesty the

¹ Situated immediately north of Durazzo.

Emperor, King of Hungary and of Bohemia, recognizes the Cisalpine Republic as an independent power. This republic includes the former Austrian possessions in Lombardy, Bergamo, Brescia, Cremona, the Town and Fortress of Mantua, with their surrounding territories, Peschiera, that portion of the former possessions of Venice to the west and south of the line designated in Art. VI as the frontier of the Italian possessions of His Majesty the Emperor, Modena, the Principality of Massa and Carrara and the three Legations of Bologna, Ferrara and Romagna." Art. XVIII: "His Majesty the Emperor, King of Hungary and of Bohemia, engages to cede to the Duke of Modena, an indemnity for the possessions which this prince and his heirs held in Italy, the Breisgau, which he shall hold upon the same conditions in virtue of which he possessed Modena." Art. XX: "A Congress shall be held at Rastadt, composed exclusively of the plenipotentiaries of the Germanic Empire and of the French Republic, with a view to the establishment of peace between these powers. The Congress shall be opened a month after the signing of the present treaty, or sooner if possible." The other articles deal with the raising of sequestration, the responsibility for debts, the cessation of hostilities, etc.

SECRET ARTICLES OF THE TREATY OF CAMPO FORMIO, OCTOBER 17, 1797.

Translated from the French version in Martens, *Recueil des principaux Traités*, Tome VI, pp. 426, sqq.

ARTICLE I.—His Majesty the Emperor, King of Hungary and of Bohemia, consents that the limits of the French Republic shall extend to the line designated below and pledges himself to use his good offices in order that, in establishing peace with the German Empire, the French Republic may obtain this same boundary, to wit:

The left bank of the Rhine from the Swiss frontier below Basle to the confluence of the Nette above Andernach, including the *tête de pont* at Mannheim on the right bank of the Rhine and the town and fortress of Mainz, both banks of the Nette, from its mouth to its source near Bruch, from here a line passing through Senscherode and Borlei to Kerpen and from this town to Udelhofen, Blankenheim, Marmagen, Jactenigt, Cale and Gmünd, including the suburbs and surrounding districts of these places, then the two banks of the Olff to its junction with the Roer, the two banks of the Roer including Heimbach, Nideggen, Düren, and Jülich, with their suburbs and surrounding districts as well as the villages on the river and their surrounding districts as far as Limnich; from here a line passing Roffems and Thalens, Dalen, Hilas, Papdermod, Laterforst, Radenberg, Haversloo (if this lies upon

the line), Anderheide, Kalderkirchen, Wambach, Herringen and Grobray with the town of Venloo and its surrounding territory.¹ If, in spite of the good offices of His Majesty the Emperor, King of Hungary and of Bohemia, the German Empire should not consent to the acquisition by the French Republic of the frontier above indicated, His Majesty, the Emperor and King, formally engages not to furnish more than his contingent to the army of the Empire, which may not be employed in the fortresses without thereby interfering with the peace and amity just established between his said Majesty and the French Republic.

ART. II.—His Majesty the Emperor, King of Hungary and of Bohemia, will further use his good offices during the negotiations for peace with the German Empire in order that, First, the navigation of the Rhine shall be free to the French Republic and to the states of the Empire situated on the right bank of this river from Hünningen to the point where it reaches the Batavian Republic ;

Secondly, to arrange that the one in possession of that part of Germany opposite the mouth of the Moselle shall never upon any pretext whatsoever hinder the free navigation and exit of boats or other craft from the mouth of this river ;

Thirdly, that the French Republic shall enjoy the free navigation of the Meuse, and that all tolls and other dues which may be established from Venloo to the point where the river enters Batavian territory, shall be suppressed.

ART. III.—His Majesty the Emperor and King, renounces, on his own part and for his successors, the sovereignty over, and possession of, the County of Falkenstein² and its dependencies, in favor of the French Republic.

ART. IV.—The territories which His Majesty the Emperor, King of Hungary and of Bohemia, is to possess in virtue of Article VI of the open, definitive treaty signed this day, shall serve as an indemnity for those territories which he cedes by Articles III and VII of the open treaty and by the preceding article. This cession shall not, however, have force until the troops of His Majesty the Emperor and King shall occupy the territory acquired by the said article.

¹ The places mentioned in this article are, with few exceptions, too insignificant to be found even on good maps.

² A isolated bit of Austrian territory about twenty miles west of Worms.

ART. V.—The French Republic will employ its good offices in order that His Majesty the Emperor may acquire in Germany the Archbishopric of Salzburg, and that portion of the Circle of Bavaria situated between the Archbishopric of Salzburg, the rivers Inn and Salzach and Tyrol, including the city of Wasserburg on the right¹ bank of the Inn, with the surrounding territory within a radius of 3000 toises.²

ART. VI.—His Majesty the Emperor and King agrees to cede to the French Republic, when peace shall be concluded with the Empire, the sovereignty and possession of the Frickthal, as well as all the possessions of the House of Austria on the left bank of the Rhine between Zurzach³ and Basle, provided that in the above-mentioned peace His Majesty shall obtain a proportionate compensation in Germany which shall be satisfactory.

The French Republic shall unite the said districts to the Helvetian Republic, according to an arrangement to be made between the said countries, without prejudice, however, to His Majesty the Emperor and King, or to the Empire.

ART. VII.—It is understood between the two contracting powers that if, in arranging the pending peace with the German Empire, the French Republic shall make an acquisition in Germany, His Majesty the Emperor, King of Hungary and of Bohemia, shall obtain an equivalent there, and conversely if His Royal and Imperial Majesty make an acquisition of this kind, the French Republic shall similarly receive an equivalent.

ART. VIII.—A territorial indemnity shall be given to the Prince of Nassau-Dietz, formerly Stadtholder of Holland, but this territorial indemnity shall not be chosen in the neighborhood of the Austrian possessions nor of the Batavian Republic.

ART. IX.—The French Republic will find no trouble in restoring to the King of Prussia his possessions on the left bank of the Rhine. Hence there will be no question of any new acquisitions on the part of the King of Prussia. To this the contracting parties mutually pledge themselves.

¹ Wasserburg lies on the left bank of the Inn.

² Equals about 6.4 English feet.

³ Zurzach is on the Rhine above Basle, and the territory in question, to the south of the river, forms geographically a part of Switzerland.

ART. X.—If the King of Prussia consents to cede to the French Republic and to the Batavian Republic certain small portions of his possessions upon the left bank of the Meuse¹, as well as the enclave of Zevenaer and other possessions toward the Yssel, His Majesty the Emperor, King of Hungary and of Bohemia, will employ his good offices to render the said cessions practicable, and to cause them to be recognized by the German Empire. The failure to carry out the present article shall not affect the preceding one.

ART. XI.—His Majesty the Emperor will not oppose the disposition which the French Republic has made in favor of the Ligurian Republic of the Imperial Fiefs.² His Majesty the Emperor will unite his efforts with those of the French Republic to induce the German Empire to renounce such rights of suzerainty as it may have in Italy, especially over the districts which form a part of the Cisalpine and Ligurian Republics, as well as over the Imperial Fiefs, such as Lusignana and all those lying between Tuscany and the possessions of Parma, the Ligurian and Luccan Republics, and the former territory of Modena, the which fiefs shall form a part of the Cisalpine Republic.

ART. XII.—His Majesty the Emperor, King of Hungary and of Bohemia, and the French Republic, will unite their efforts in order that, in negotiating peace with the German Empire, the different Princes and States of the Empire which shall suffer losses of territory and of rights in consequence of the stipulations of the present treaty of peace, or, later, in consequence of the treaty which shall be concluded with the German Empire, shall obtain appropriate indemnities in Germany; which indemnities shall be determined in common accord with the French Republic. This applies especially to the Electors of Mainz, Trier and Cologne, the Elector Palatine of Bavaria, the Duke of Würtemberg and Teck, the Margrave of Baden, the Duke of Zweibrücken, the Landgraves of Hesse-Cassel and of Hesse-Darmstadt, the Princes of Nassau-Saarbrücken, of Salm-Kyrburg, Löwenstein-Wertheim and of Wiedrunkel and the Count of Leyen.

ART. XIII.—The troops of His Majesty the Emperor shall evacuate within twenty days after the exchange of the ratifications of the present treaty, the city and fortress of Mainz, Ehrenbreitstein, Philippsburg, Mannheim, Königsstein, Ulm and Ingolstadt, as well as

¹ A portion of Ober-Geldern, west and north of Venloo.

² These had been annexed to the Ligurian Republic.

all the territory belonging to the Germanic Empire as far as his hereditary possessions.

ART. XIV.—The present secret articles shall have the same force as if they were inserted word for word in the open treaty of peace signed to-day. These shall be ratified at the same time by the contracting parties and the acts of ratification shall be exchanged in due form at Rastadt.

Done and signed at Campo Formio, October 17, 1797. (The 27th Vendémiaire of the year six of the French Republic, One and Indivisible.)

BONAPARTE.

THE MARQUIS OF GALLO.

LOUIS, COUNT OF COBENZL.

THE COUNT OF MEIRVELDT, MAJOR-GENERAL.

THE BARON OF DEGELMANN.

THE PEACE OF LUNÉVILLE OF 1801.

From the French version given by P. A. G. von Meyer; *Corpus juris Confoederationis Germanicæ*, 2d ed., Vol. I, pp. 2 sqq.

His Majesty the Emperor, the King of Hungary and of Bohemia, and the First Consul of the French Republic, in the name of the French people, induced by a common desire to put an end to the evils of war, have resolved to proceed to the conclusion of a definitive treaty of peace and amity. His said Imperial and Royal Majesty desiring no less sincerely to extend the benefits of peace to the German Empire, and the existing conditions not affording the necessary time for consulting the Empire, or permitting its representatives to take part in the negotiations, has resolved, in view of the concessions made by the Deputation of the Empire at the recent Congress of Rastadt, to treat in the name of the German Union, as has happened before under similar circumstances.

Hence the contracting parties have named the following as their plenipotentiaries :

His Imperial and Royal Majesty, the Sieur Louis, Count of Cobenzl, Minister of Conferences and Vice Chancellor of the Court and of State, etc.

The First Consul of the French Republic, in the name of the

French people, Citizen Joseph Bonaparte, Councillor of State. These having exchanged their credentials, have agreed upon the following Articles :

ARTICLE I.—Peace, amity and a good understanding shall hereafter exist forever between His Majesty the Emperor, King of Hungary and of Bohemia, acting both in his own name and in that of the German Empire, and the French Republic ; His Majesty agreeing that the said Empire shall ratify the present treaty in due form. The contracting parties shall make every effort to maintain a perfect agreement between themselves, and to prevent the commission of any acts of hostility by land or sea upon any ground or pretence whatsoever ; striving in every way to maintain the concord thus happily re-established. No aid or protection shall be given either directly or indirectly to any one attempting to injure either of the contracting parties.

ART. II.—The cession of the former Belgian Provinces to the French Republic, stipulated in Article III of the Treaty of Campo Formio, is renewed here in the most solemn manner. His Majesty the Emperor and King therefore renounces for himself and his successors, as well on his own part as on that of the German Empire, all right and title to the above specified provinces, which shall be held in perpetuity by the French Republic in full sovereignty and proprietary right, together with all territorial possessions belonging to them. His Imperial and Royal Majesty cedes likewise to the French Republic, with the due consent of the Empire : 1. The County of Falkenstein with its dependencies ; 2. The Frickthal and all the territory upon the left bank of the Rhine between Zurzach and Basle belonging to the House of Austria ; the French Republic reserving the future cession of this district to the Helvetian Republic.

ART. III.—Moreover, in confirmation of Article VI of the Treaty of Campo Formio, His Majesty the Emperor and King shall possess in full sovereignty and proprietary right the countries enumerated below, to wit : Istria, Dalmatia and the Islands of the Adriatic, formerly belonging to Venice, dependent upon them ; the Mouths of the Cattaro, the City of Venice, the Lagunes, and the territory included between the hereditary States of His Majesty the Emperor and King, the Adriatic Sea and the Adige from the point where it leaves Tyrol to that where it flows into the Adriatic, the *thalweg*¹ of the Adige forming the bound-

¹ A technical term of international law meaning the centre of the deepest channel of a navigable stream.

ary line. And since by this line the cities of Verona and Porto-Legnago are separated into two parts, draw-bridges indicating the frontier shall be established in the middle of the bridges connecting the two parts of the said towns.

ART. IV.—Article XVIII of the Treaty of Campo Formio is likewise renewed inasmuch as His Majesty the Emperor and King agrees to cede to the Duke of Modena, as an indemnity for the territory which this prince and his heirs possessed in Italy, the Breisgau, which he shall possess upon the same conditions as those upon which he held Modena.

ART. V.—It is farther agreed that His Royal Highness the Grand Duke of Tuscany shall renounce for himself, his successors or possible claimants, the Grand Duchy of Tuscany and that part of the Island of Elba belonging to it, as well as all rights and titles resulting from the possession of the said states, which shall hereafter be held in full sovereignty and proprietary right by His Royal Highness the Infante Duke of Parma. The Grand Duke shall receive a complete and full indemnity in Germany for the loss of his states in Italy. The Grand Duke shall dispose according to his pleasure of such possessions as he holds, particularly in Tuscany, whether by personal acquisition or by inheriting the personal acquisitions of the late emperor his father, His Majesty the Emperor Leopold II, or his grandfather, the Emperor Francis I. It is farther agreed that debts due the state, public institutions or other property of the Grand Duchy, as well as the debts duly secured by mortgage upon this country, shall pass to the new Grand Duke.

ART. VI.—His Majesty the Emperor and King, consents not only on his part but upon the part of the German Empire that the French Republic shall hereafter possess in full sovereignty and proprietary right the territory and domains lying on the left bank of the Rhine and forming a part of the German Empire, so that, in conformity with the concessions granted by the Deputation of the Empire at the Congress of Rastadt and approved by the Emperor, the *Thalweg* of the Rhine shall hereafter form the boundary between the French Republic and the German Empire from that point where the Rhine leaves Helvetian territory to the point where it reaches Batavian territory. In view of this the French Republic formally renounces all possessions whatsoever upon the right bank of the Rhine and agrees to restore to their owners the following places: Düsseldorf, Ehrenbreitstein, Philippsburg, the fortress of Cassel and other fortifications across from Mainz on the right

bank of the stream, and the fortress of Kehl and Alt Breisach, under the express provision that these places and forts shall continue to exist in the condition in which they are left at the time of the evacuation.

ART. VII.—Since in consequence of this cession made by the Empire to the French Republic various Princes and States of the Empire find themselves individually dispossessed in part or wholly of their territory, while the German Empire should collectively support the losses resulting from the stipulations of the present treaty, it is agreed between His Majesty the Emperor and King (both on his part and upon the part of the German Empire) and the French Republic that, in accordance with the principles laid down at the Congress of Rastadt the Empire shall be bound to furnish the hereditary princes who have lost possessions upon the left bank of the Rhine an indemnity within the Empire, according to such arrangements as shall be determined later in accordance with the stipulations here made.

ART. VIII-IX.—[Relate to financial matters.]

ART. X.—The contracting parties shall also raise all sequestrations due to the war, placed upon the goods, dues or revenues of the subjects of His Majesty the Emperor, or of the Empire, within the territory of the French Republic, or of French citizens in the territories of His said Majesty or of the Empire.

ART. XI.—The present treaty of peace, especially Articles VIII, IX, X and XV (below), is declared to be common to the Batavian, Helvetian, Cisalpine and Ligurian Republics. The contracting parties mutually guarantee the independence of the said republics and the freedom of the inhabitants of the said countries to adopt such form of government as they shall see fit.

ART. XII.—His Majesty the Emperor and King renounces for himself and for his successors in favor of the Cisalpine Republic all rights and titles depending upon such rights, which His Majesty might assert over the territories in Italy which he possessed before the war and which, according to the terms of Article VIII of the Treaty of Campo Formio, now form a part of the Cisalpine Republic which shall hold them in full sovereign and proprietary right together with all the territorial possessions dependent upon them.

ART. XIII.—His Majesty the Emperor and King confirms both in his own name and in the name of the German Empire the sanction already given by the Treaty of Campo Formio to the union of the former Imperial Fiefs to the Ligurian Republic and renounces all

claims and titles resulting from these claims upon the said fiefs.

ART. XIV.—In accordance with Article XI of the Treaty of Campo Formio the navigation of the Adige, forming the boundary between the territory of his Imperial and Royal Majesty and of the Cisalpine Republic, shall be free, and neither government may establish there any tolls or maintain any vessel of war.

ART. XV.—All prisoners of war made by either party, as well as hostages given or received during the war who have not yet been returned, shall be given back during the forty days following the date of the signature of the present treaty.

ART. XVI.—[Relates to the disposal of the personal possessions of the dispossessed Austrian princes in Italy.]

ART. XVII.—Articles XII, XIII, XV, XVI, XVII and XXIII of the Treaty of Campo Formio are particularly to be mentioned in order that their provisions may be fully executed as if they were inserted word for word in the present treaty.

ART. XVIII.—No farther exactions of military supplies or of contributions of any kind shall be made after the date upon which the ratifications of the present treaty shall be exchanged between His Majesty the Emperor and the German Empire upon the one hand, and the French Republic upon the other.

ART. XIX.—The present treaty shall be ratified by His Majesty the Emperor and King, the Empire and the French Republic within a period of thirty days, or sooner, if possible, and it is farther understood that the armies of the two powers shall remain in their present positions both in Germany and Italy until the said ratifications of the Emperor and King, of the Empire and of the French Republic shall have been simultaneously exchanged at Lunéville between the respective plenipotentiaries. It is also agreed that within ten days after the exchange of the said ratifications, the armies of His Imperial and Royal Majesty shall be withdrawn into his hereditary possessions, which shall be evacuated within the same space of time by the French armies; and within thirty days after the said exchange the French armies shall have completely evacuated the territory of the said Empire.

Done and signed at Lunéville, February 9, 1801. (The 20th Pluviôse of the year Nine of the French Republic.)

Signed,

LOUIS, COUNT OF COBENZL.

JOSEPH BONAPARTE.¹

¹ The promulgation and ratification, in Latin, of the above Articles by the Emperor are omitted. The treaty was ratified by the Imperial Diet at Regensburg, March 7, 1801.

DISSOLUTION OF THE HOLY ROMAN EMPIRE.

In no country were the effects of Napoleon's policy more striking or important than in Germany. The cession of the Left Bank of the Rhine implied a complete territorial reconstruction of the remainder of Germany, since the dispossessed princes were to be indemnified within the Empire. This led to the great Imperial Recess (*Reichsdeputationshauptschluss*) of 1803. The ecclesiastical states and the free imperial towns were, with few exceptions, incorporated in the neighboring states. The map of Germany was in this way much simplified, especially as the knights were within a few years illegally deprived of their independence by the newly created "sovereigns" within whose dominions their territories lay. The treaty of Pressburg recognized the rulers of Bavaria and Würtemberg as kings and (article 14) provided that they, with the elector of Baden, should enjoy "the plenitude of sovereignty" and all rights derived therefrom precisely as did the Emperor and the king of Prussia. Nor was the Emperor to hinder in any way any manifestation of this sovereignty. This, by explicitly abolishing the dependence of its members, rendered the existence of the old Imperial union impossible. The Constitution of the Confederation of the Rhine was drawn up at Paris, the future members being allowed very little influence in its formation. Napoleon had no desire to *unify* Germany but wished to maintain several independent states or groups of states which could be easily controlled. The characteristic document given below was the method taken of informing the Diet of the creation of the new Confederation of the Rhine. This was almost immediately followed by the abdication of the Emperor, who in this way, formally put an end to the most imposing office, with that of the Pope, ever conceived by political thinkers.

Droysen's *Historischer Handatlas*, map 45, gives a clear view of the changes in 1803. Many more changes looking toward a farther simplification of Germany are found in the Act of the Confederation of the Rhine. Häusser *Deutsche Geschichte* II 657 gives an admirable account of the formation of this union. The best special maps of Würtemberg, Bavaria and Baden before the unification are to be found in the later editions of Putzger's *Historischer Handatlas* (costing only two marks).

THE MESSAGE OF NAPOLEON ANNOUNCING TO THE DIET THE FORMATION OF THE CONFEDERA- TION OF THE RHINE.

August 1, 1806.

From the French, Meyer *Corpus juris Confederationis Germanicæ*, 2nd. Ed. I, 101 seq., also Martens' *Recueil*, VIII, 492.

The undersigned, *chargé d'affaires* of His Majesty the Emperor of the French and King of Italy at the general Diet of the German Empire, has received orders from His Majesty to make the following declarations to the diet:

Their Majesties the Kings of Bavaria and of Württemberg, the Sovereign Princes of Regensburg, Baden, Berg, Hesse-Darmstadt and Nassau, as well as the other leading princes¹ of the south and west of Germany have resolved to form a confederation between themselves which shall secure them against future emergencies, and have thus ceased to be states of the Empire.

The position in which the Treaty of Pressburg has explicitly placed the courts allied to France, and indirectly those princes whose territory they border or surround, being incompatible with the existence of an empire, it becomes a necessity for those rulers to reorganize their relations upon a new system and to remove a contradiction which could not fail to be a permanent source of agitation, disquiet and danger.

France, on the other hand, is directly interested in the maintenance of peace in Southern Germany and yet must apprehend that, the moment she shall cause her troops to recross the Rhine, discord, the inevitable consequence of contradictory, uncertain and ill-defined conditions, will again disturb the peace of the people and reopen, possibly, the war on the continent. Feeling it incumbent upon her to advance the welfare of her allies and to assure them the enjoyment of all the advantages which the Treaty of Pressburg secures them and to which she is pledged, France cannot but regard the confederation that they have formed as a natural result and a necessary sequel to that treaty.

For a long period successive changes have, from century to century, reduced the German constitution to a shadow of its former self. Time has altered all the relations in respect to size and importance which originally existed among the various members of the confederation, both as regards each other and the whole of which they have formed a part.

The Diet has no longer a will of its own. The sentences of the superior courts can no longer be executed. Everything indicates such serious weakness that the federal bond no longer offers any protection whatever and only constitutes a source of dissension and discord between the powers. The results of three coalitions have increased this weakness to the last degree. An electorate has been suppressed by the annexation of Hanover to Prussia. A king in the north has incorporated with his other lands a province of the Empire² The Treaty of

¹ The confederation was joined from time to time by many more German states.

² This probably refers to the incorporation of Pomerania by the King of Sweden (June 1806).

Pressburg assures complete sovereignty to their majesties the Kings of Bavaria and of Würtemberg and to His Highness the Elector of Baden. This is a prerogative which the other electors will doubtless demand, and which they are justified in demanding; but this is in harmony neither with the letter nor the spirit of the constitution of the Empire.

His Majesty the Emperor and King is, therefore, compelled to declare that he can no longer acknowledge the existence of the German Constitution, recognizing, however, the entire and absolute sovereignty of each of the princes whose states compose Germany to-day, maintaining with them the same relations as with the other independent powers of Europe.

His Majesty the Emperor and King has accepted the title of *Protector of the Confederation of the Rhine*. He has done this with a view only to peace, and in order that by his constant mediation between the weak and the powerful he may obviate every species of dissension and disorder.

Having thus provided for the dearest interests of his people and of his neighbors, and having assured, so far as in him lay, the future peace of Europe and that of Germany in particular, heretofore constantly the theatre of war, by removing a contradiction which placed people and princes alike under the delusive protection of a system contrary both to their political interests and to their treaties, His Majesty the Emperor and King trusts that the nations of Europe will at last close their ears to the insinuations of those who would maintain an eternal war upon the continent. He trusts that the French armies which have crossed the Rhine have done so for the last time, and that the people of Germany will no longer witness, except in the annals of the past, the horrible pictures of disorder, devastation and slaughter which war invariably brings with it.

His Majesty declared that he would never extend the limits of France beyond the Rhine and he has been faithful to his promise. At present his sole desire is so to employ the means which Providence has confided to him as to free the seas, restore the liberty of commerce and thus assure the peace and happiness of the world.

BACHER.

Regensburg, August 1, 1806.

THE ABDICATION OF FRANCIS II.

From the German : Meyer Corpus juris Confœderationis Germanicæ, 2 Ed., I. 107

We, Francis the Second, by the Grace of God Roman Emperor Elect, Ever August, Hereditary Emperor of Austria, etc., King of Germany, Hungary, Bohemia, Croatia, Dalmatia, Slavonia, Galizia, Lodomeria and Jerusalem ; Archduke of Austria, etc.

Since the peace of Pressburg all our care and attention has been directed towards the scrupulous fulfillment of all engagements contracted by the said treaty, as well as the preservation of peace so essential to the happiness of our subjects, and the strengthening in every way of the friendly relations which have been happily re-established. We could but await the outcome of events in order to determine whether the important changes in the German Empire resulting from the terms of the peace would allow us to fulfill the weighty duties which, in view of the conditions of our election, devolve upon us as the head of the Empire. But the results of certain articles of the Treaty of Pressburg, which showed themselves immediately after and since its publication, as well as the events which, as is generally known, have taken place in the German Empire, have convinced us that it would be impossible under these circumstances farther to fulfill the duties which we assumed by the conditions of our election. Even if the prompt readjustment of existing political complications might produce an alteration in the existing conditions, the convention signed at Paris, July 12th, and approved later by the contracting parties, providing for the complete separation of several important states of the Empire and their union into a separate confederation, would entirely destroy any such hope.

Thus, convinced of the utter impossibility of longer fulfilling the duties of our imperial office, we owe it to our principles and to our honor to renounce a crown which could only retain any value in our eyes so long as we were in a position to justify the confidence reposed in us by the electors, princes, estates and other members of the German Empire, and to fulfill the duties devolving upon us.

We proclaim, accordingly, that we consider the ties which have hitherto united us to the body politic of the German Empire as hereby dissolved ; that we regard the office and dignity of the imperial headship as extinguished by the formation of a separate union of the Rhenish States, and regard ourselves as thereby freed from all our obligations

toward the German Empire ; herewith laying down the imperial crown which is associated with these obligations, and relinquishing the imperial government which we have hitherto conducted.

We free at the same time the electors, princes and estates and all others belonging to the Empire, particularly the members of the supreme imperial courts and other magistrates of the Empire, from the duties constitutionally due to us as the lawful head of the Empire. Conversely, we free all our German provinces and imperial lands from all their obligations of whatever kind, towards the German Empire. In uniting these, as Emperor of Austria, with the whole body of the Austrian state we shall strive, with the restored and existing peaceful relations with all the powers and neighboring states, to raise them to the height of prosperity and happiness, which is our keenest desire, and the aim of our constant and sincerest efforts.

Done at our capital and royal residence, Vienna, August 6, 1806, in the fifteenth year of our reign as Emperor and hereditary ruler of the Austrian lands.

FRANCIS,
[L. S.] JOHN PHILIP COUNT OF STADION.

DOCUMENTS RELATING TO THE CONTINENTAL SYSTEM.

Napoleon's cherished plan of conquering the sea by the land originated with the Directory, which conceived the hope, as early as 1796, of forcing the English people to cry for peace, by ruining their commerce. It was stoutly maintained by the French government at that time that a neutral flag could not protect enemy's goods, and the harshest measures were taken with regard to neutral traders. [See decrees in *American State Papers ; Foreign Relations*, Vol. III, 288, and in the *Annual Register* ; see also *Mallet du Pan, Correspondance avec la Cour de Vienne*, II, 118 and 150]

Napoleon felt, in the exuberance of victory after the battle of Jena, that the time had come for putting his plans for excluding England from the Continent into execution. Prussia in occupying Hanover had issued a proclamation excluding British trade, March 28, 1806. England immediately declared the mouths of the Ems, Weser, Elbe and Trave in a state of blockade (April 8). This was followed by the more comprehensive blockade announced in the first document given below, which was sent to all the representatives of neutral powers then at London. The policy of England served Napoleon as an excuse for his Berlin Decree, although he was undoubtedly actuated by other motives in issuing it. January 7, 1807, England answered with an order in Council prohibiting coast trade between the ports of the enemy or of his allies. This was deemed insufficient after the ministry

had learned of the secret articles of the Treaty of Tilsit, and three orders were issued November 11, establishing an undisguised "paper" blockade; the most important of the three being reprinted here. The vague, cumbrous phraseology of these decrees became notorious, and it was necessary to issue supplementary and explanatory orders, five of which appeared November 25. One of these established the rule that licenses had to be procured from the English government by neutral traders. Napoleon replied with the Milan decree, and the President of the United States ordered the first embargo December 22, 1807. Later decrees were issued by Napoleon in enforcing his system; for example that of Bayonne (April 17, 1808) ordered the custom officials to confiscate all American vessels in French ports. That of the Trianon (August 5, 1810) was directed against smuggling and that of Fontainebleau (October 18, 1810) ordered all English goods which could be seized to be publicly burnt. Finally the annexation of the coast of the North Sea in December, 1810, was justified upon the ground that England had rendered the measure necessary by her commercial policy.

The tax imposed by England upon the cargoes of neutral ships which is referred to in the Milan Decree consisted, apparently, in the *export duties* which neutral traders (after being required to enter a British port) were forced to pay before they were allowed to proceed upon their voyage. Professor McMaster gives an account of the practical workings of the system, so far as American ships were concerned, which he takes from the Baltimore *Evening Post* of September 2 and 27, 1808. The newspaper estimates that on her outward voyage, let us say to Holland with 400 hogsheads of tobacco, an American ship would pay England $1\frac{1}{2}$ d per pound on the tobacco and 12s for each ton of the ship. With \$100 for the license and sundry other dues, the total amounted to toward \$13,000. On the home voyage with a cargo, let us say, of Holland gin the American trader paid perhaps \$16,500, making the total charges paid to Great Britain for a single voyage \$31,000. (*History of the People of the United States III* 308-9.)

See for this subject *Henry Adams' History of the United States, Vol. IV., Chapter IV. Alison, History of Europe, Book L: Theirs, Consulate and Empire, Book XXVI.*

NOTE TO REPRESENTATIVES OF NEUTRAL POWERS.

Reprinted from American State Papers (Foreign Relations), Vol. III, p. 267.

DOWNING STREET, May 16, 1806.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's commands to acquaint Mr. Monroe, that the King, taking into consideration the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of his subjects, has thought fit to direct that the necessary measures should be taken for the blockade of the coast, rivers and ports, from the river Elbe to the port of Brest, both inclusive; and the said

coast, rivers and ports are and must be considered as blockaded ; but that His Majesty is pleased to declare that such blockade shall not extend to prevent neutral ships and vessels, laden with goods not being the property of His Majesty's enemies, and not being contraband of war, from approaching the said coast, and entering into and sailing from the said rivers and ports (save and except the coast, rivers and ports from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as so continued), provided the said ships and vessels so approaching and entering (except as aforesaid), shall not have been laden at any port belonging to or in the possession of any of His Majesty's enemies ; and that the said ships and vessels so sailing from said rivers and ports (except as aforesaid) shall not be destined to any port belonging to or in possession of any of His Majesty's enemies, nor have previously broken the blockade.

Mr. Monroe is therefore requested to apprise the American consuls and merchants residing in England, that the coast, rivers and ports above mentioned, must be considered as being in a state of blockade, and that from this time all the measures authorized by the law of nations and the respective treaties between His Majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Monroe, etc.

C. J. Fox.

THE BERLIN DECREE.

Translated from the French ; Correspondance de Napoléon I er. Vol. 13.

FROM OUR IMPERIAL CAMP AT BERLIN, November 21, 1806.

Napoleon, Emperor of the French and King of Italy, in consideration of the fact :

1. That England does not recognize the system of international law universally observed by all civilized nations.

2. That she regards as an enemy every individual belonging to the enemy's state, and consequently makes prisoners of war not only of the crews of armed ships of war but of the crews of ships of commerce and merchantmen, and even of commercial agents and of merchants traveling on business.

3. That she extends to the vessels and commercial wares and to

the property of individuals the right of conquest, which is applicable only to the possessions of the belligerent power.

4. That she extends to unfortified towns and commercial ports, to harbors and the mouths of rivers, the right of blockade, which, in accordance with reason and the customs of all civilized nations, is applicable only to strong places. That she declares places in a state of blockade before which she has not even a single ship of war, although a place may not be blockaded except it be so completely guarded that no attempt to approach it can be made without imminent danger. That she has declared districts in a state of blockade which all her united forces would be unable to blockade, such as entire coasts and the whole of an empire.

5. That this monstrous abuse of the right of blockade has no other aim than to prevent communication among the nations and to raise the commerce and the industry of England upon the ruins of that of the continent.

6. That, since this is the obvious aim of England, whoever deals on the continent in English goods, thereby favors and renders himself an accomplice of her designs.

7. That this policy of England, worthy of the earliest stages of barbarism, has profited that power to the detriment of every other nation.

8. That it is a natural right to oppose such arms against an enemy as he makes use of, and to fight in the same way that he fights. Since England has disregarded all ideas of justice and every high sentiment, due to the civilization among mankind, we have resolved to apply to her the usages which she has ratified in her maritime legislation.

The provisions of the present decree shall continue to be looked upon as embodying the fundamental principles of the Empire until England shall recognize that the law of war is one and the same on land and sea, and that the rights of war cannot be extended so as to include private property of any kind or the persons of individuals unconnected with the profession of arms, and that the right of blockade should be restricted to fortified places actually invested by sufficient forces.

We have consequently decreed and do decree that which follows:

ARTICLE I.—The British Isles are declared to be in a state of blockade.

ART. II.—All commerce and all correspondence with the British Isles are forbidden. Consequently letters or packages directed to

England or to an Englishman or written in the English language shall not pass through the mails and shall be seized.

ART. III.—Every individual who is an English subject, of whatever state or condition he may be, who shall be discovered in any country occupied by our troops or by those of our allies, shall be made a prisoner of war.

ART. IV.—All warehouses, merchandise or property of whatever kind belonging to a subject of England shall be regarded as a lawful prize.

ART. V.—Trade in English goods is prohibited, and all goods belonging to England or coming from her factories or her colonies are declared a lawful prize.

ART. VI.—Half of the product resulting from the confiscation of the goods and possessions declared a lawful prize by the preceding articles shall be applied to indemnify the merchants for the losses they have experienced by the capture of merchant vessels taken by English cruisers.

ART. VII.—No vessel coming directly from England or from the English colonies or which shall have visited these since the publication of the present decree shall be received in any port.

ART. VIII.—Any vessel contravening the above provision by a false declaration shall be seized, and the vessel and cargo shall be confiscated as if it were English property.

ART. IX.—Our Court of Prizes at Paris shall pronounce final judgment in all cases arising in our Empire or in the countries occupied by the French Army relating to the execution of the present decree. Our Court of Prizes at Milan shall pronounce final judgment in the said cases which may arise within our Kingdom of Italy.

ART. X.—The present decree shall be communicated by our minister of foreign affairs to the King of Spain, of Naples, of Holland and of Etruria, and to our other allies whose subjects like ours are the victims of the unjust and barbarous maritime legislation of England.

ART. XI.—Our ministers of foreign affairs, of war, of the navy, of finance and of the police and our Directors General of the port are charged with the execution of the present decree so far as it affects them.

(Signed),

Done by the Emperor,

NAPOLEON.

HUGUE MARET,

Ministerial Secretary of State,

ORDER IN COUNCIL OF NOVEMBER, 11, 1807.

Reprinted from American State Papers (Foreign Relations), Vol. III, pp. 269-70. Also in the *Annual Register* for 1807, p. 746 ff.

At the Court at the Queen's Palace, the 11th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas certain orders establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were some time since issued by the Government of France, by which "the British islands were declared to be in a state of blockade," thereby subjecting to capture and condemnation all vessels, with their cargoes, which should continue to trade with His Majesty's dominions :

And, whereas, by the same order, "all trading in English merchandise is prohibited, and every article of merchandise belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize:"

And, whereas, the nations in alliance with France, and under her control, were required to give, and have given, and do give, effect to such orders :

And, whereas, His Majesty's order of the 7th. of January last has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation, but on the contrary, the same have been recently enforced with increased rigor :

And, whereas, His Majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valor of his people have, under the blessings of Providence, enabled him to establish and maintain ; and the maintenance of which is not more essential to the safety and prosperity of His Majesty's dominions, than it is to the protection of such states as still retain their independence, and to the general intercourse and happiness of mankind :

His Majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all the ports and places of France and her allies, or of any other country at war with His Majesty, and all other ports or places in Europe, from which, although not at war with His Majesty, the British flag is excluded, and all ports

or places in the colonies belonging to His Majesty's enemies, shall, from henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by His Majesty's naval forces, in the most strict and rigorous manner: And it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with all goods and merchandise on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured and condemned as a prize to the captors.

But, although His Majesty would be fully justified by the circumstances and considerations above recited, in establishing such system of restrictions with respect to all the countries and colonies of his enemies, without exception or qualification, yet His Majesty being, nevertheless, desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect His Majesty's just determination to counteract the designs of his enemies, and to retort upon his enemies themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply, and even to leave open, for the present, such trade with His Majesty's enemies as shall be carried on directly with the ports of His Majesty's dominions, or of his allies, in the manner hereinafter mentioned.

His Majesty is, therefore, pleased further to order and it is hereby ordered, that nothing herein contained shall extend to subject to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this order to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in His Majesty's colonies, under circumstances in which such trade, from such free ports, is permitted, direct to some port or place in the colonies of His Majesty's enemies, or from those colonies direct to the country to which such vessel belongs, or to some free port in His Majesty's colonies, in such cases, and with such articles, as it may be lawful to import into such free port; nor to any vessel, or the cargo of any vessel, belonging to any

country not at war with His Majesty, which shall have cleared out under such regulations as His Majesty may think fit to prescribe, and shall be proceeding direct from some port or place in this kingdom, or from Gibraltar, or Malta, or from any port belonging to His Majesty's allies, to the port specified in her clearance; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with His Majesty, which shall be coming from any port or place in Europe which is declared by this order to be subject to the restrictions incident to a state of blockade, destined to some port or place in Europe belonging to His Majesty, and which shall be on her voyage direct thereto; but these exceptions are not to be understood as exempting from capture or confiscation any vessel or goods which shall be liable thereto in respect to having entered or departed from any port or place actually blockaded by His Majesty's squadrons or ships of war, or for being enemy's property, or for any other cause than the contravention of this present order.

And the commanders of His Majesty's ships of war and privateers, and other vessels acting under His Majesty's commission, shall be, and are hereby, instructed to warn every vessel which shall have commenced her voyage prior to any notice of this order, and shall be destined to any port of France or of her allies or of any other country at war with His Majesty or any port or place from which the British flag, as aforesaid, is excluded, or to any colony belonging to His Majesty's enemies, and which shall not have cleared out as is hereinbefore allowed, to discontinue her voyage, and to proceed to some port or place in this kingdom, or to Gibraltar or Malta; and any vessel which, after having been so warned or after a reasonable time shall have been afforded for the arrival of information of this His Majesty's order at any port or place from which she sailed, or which, after having notice of this order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this order, shall be captured, and, together with her cargo, condemned as lawful prize to the captors.

And, whereas, countries not engaged in the war have acquiesced in these orders of France, prohibiting all trade in any articles the produce or manufacture of His Majesty's dominions; and the merchants of those countries have given countenance and effect to those prohibitions by accepting from persons, styling themselves commercial agents of the enemy, resident at neutral ports, certain documents, termed "certificates of origin," being certificates obtained at the ports of shipment, declaring

that the articles of the cargo are not of the produce or manufacture of His Majesty's dominions, or to that effect.

And, whereas, this expedient has been directed by France, and submitted to by such merchants, as part of the new system of warfare directed against the trade of this kingdom, and as the most effectual instrument of accomplishing the same, and it is therefore essentially necessary to resist it.

His Majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that if any vessel, after reasonable time shall have been afforded for receiving notice of this His Majesty's order, at the port or place from which such vessel shall have cleared out, shall be found carrying any such certificate or document as aforesaid, or any document referring to or authenticating the same, such vessel shall be adjudged lawful prize to the captor, together with the goods laden therein, belonging to the person or persons by whom, or on whose behalf, any such document was put on board.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty, and Courts of Vice-Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

THE MILAN DECREE.

Translated from *Correspondance de Napoléon 1er*, No. 13,391 (Vol 16).

At Our Royal Palace at Milan, December 17, 1807.

Napoleon, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine. In view of the measures adopted by the British government on the 11th. of November last by which vessels belonging to powers which are neutral or are friendly and even allied with England are rendered liable to be searched by British cruisers, detained at certain stations in England, and subject to an arbitrary tax of a certain per cent upon their cargo to be regulated by English legislation.¹

Considering that by these acts the English government has denationalized the vessels of all the nations of Europe, and that no government

¹ See Introductory note above, page 18.

may compromise in any degree its independence or its rights—all the rulers of Europe being jointly responsible for the sovereignty and independence of their flags, and that, if through unpardonable weakness which would be regarded by posterity as an indelible stain, such tyranny should be admitted and become consecrated by custom, the English would take steps to give it the force of law, as they have already taken advantage of the toleration of the governments to establish the infamous principle that the flag does not cover the goods and to give the right of blockade an arbitrary extension which threatens the sovereignty of every state: We have decreed and do decree as follows:

ARTICLE I.—Every vessel of whatever nationality which shall submit to be searched by an English vessel or shall consent to a voyage to England, or shall pay any tax whatever to the English government is *ipso facto* declared denationalized, loses the protection afforded by its flag and becomes English property.

ART. II.—Should such vessels which are thus denationalized through the arbitrary measures of the English government enter our ports or those of our allies or fall into the hands of our ships of war or of our privateers they shall be regarded as good and lawful prizes.

ART. III.—The British Isles are proclaimed to be in a state of blockade both by land and by sea. Every vessel of whatever nation or whatever may be its cargo, that sails from the ports of England or from those of the English colonies or of countries occupied by English troops, or is bound for England or for any of the English colonies or any country occupied by English troops, becomes, by violating the present decree, a lawful prize, and may be captured by our ships of war and adjudged to the captor.

ART. IV.—These measures, which are only a just retaliation against the barbarous system adopted by the English government, which models its legislation upon that of Algiers, shall cease to have any effect in the case of those nations which shall force the English to respect their flags. They shall continue in force so long as that government shall refuse to accept the principles of international law which regulate the relations of civilized states in a state of war. The provisions of the present decree shall be *ipso facto* abrogated and void so soon as the English government shall abide again by the principles of the law of nations, which are at the same time those of justice and honor.

ART. V.—All our ministers are charged with the execution of the present decree, which shall be printed in the *Bulletin des lois*.

THE PRUSSIAN REFORM EDICT OF OCTOBER 9, 1807.

The first great step towards the radical reform of the Prussian Kingdom was made by the proclamation of the royal ordinance given below. As Professor Seeley has said: "It is not generally the spirit of progress, as is often imagined, which brings about great reforms in a country, but the pressure of need." The disasters of Jena and the humiliation of Tilsit forced the government to undertake an entire reorganization of the state. The document before us represents only certain aspects of the change and includes, for example, no innovations in the administrative system, which were made later (December 16, 1808). It is as important to note what the decree does not contain as to study its actual provisions. An instructive comparison may be made with the decree abolishing the Feudal System in France. [Trans. and Reprints, Vol. I, Number V.] Stein does not appear to have been personally responsible for the contents of the decree which is based upon a committee report submitted to the King (August 17, 1807), before Stein was recalled. Great pains were taken, it will be noticed to avoid excessive innovation. No provision was made for dissolving the joint proprietorship in the land enjoyed by lord and tenant. This was not carried out until September 14, 1811, under the ministry of Hardenberg, Stein assuming no responsibility in the matter.

Seeley, *Life and Times of Stein*, gives, Part III, Chapters III and IV, an account of the preparation of the edict. For additional explanation see Häusser *Deutsche Geschichte*, III, 120 ff, also Fyffe *History of Modern Europe*, I, 349.

From the German: Gesetz-Sammlung für die Königlichen Preussischen Staaten 1806-10. Anhang, pp. 170-173.

We, Frederick William, by the Grace of God King of Prussia, etc., etc., Hereby make known and give to understand: Since peace has been established we have been occupied before everything else with the care for the depressed condition of our faithful subjects and the speediest revival and greatest possible improvement in this respect. We have considered that in face of the prevailing want the means at our disposal would be insufficient to aid each individual, and even if they were we could not hope to accomplish our object, and that, moreover, in accordance with the imperative demands of justice and the principles of a judicious economic policy it behooves us to remove every obstacle which has hitherto prevented the individual from attaining such a state of prosperity as he was capable of reaching. We have farther considered that the existing restrictions both on the possession and enjoyment of landed property and on the personal condition of the agricultural laborer especially interfere with our benevolent purpose and disable a great force which might be applied to the restoration of cultivation, the former by their prejudicial influence upon the value of landed

property and the credit of the proprietor, the latter by diminishing the value of labor. We desire therefore to reduce both kinds of restrictions so far as the common well-being demands and accordingly ordain the following:

§ 1. Every inhabitant of our States is competent, without any limitation on the part of the State, to own or mortgage landed property of every kind. The noble may therefore own not only noble but also non-noble, citizen and peasant lands of every kind and the citizen and peasant may possess not only citizen, peasant and other non-noble, but also noble tracts of land, without in any case needing special permission for any acquisition whatever, although henceforth, as before, every change of ownership must be announced to the authorities. All privileges which are possessed by noble over citizen inheritances are entirely abolished, as well as the restrictions and suspension of certain property rights based upon the personal status of the holder.

Special laws shall still continue to regulate the right of those to acquire land who are by reason of their religious beliefs precluded from performing all the duties of citizenship.

§ 2. Every noble is henceforth permitted, without any derogation from his station, to engage in citizen occupation and every citizen or peasant is allowed to pass from the peasant into the citizen class or from the citizen into the peasant class.

§ 3. A legal right of pre-emption and of prior claim shall exist hereafter only in the case of superior proprietors, of the lessors of estates on perpetual leases or to copy holders, and of co-proprietary owners, and where a tract of land is sold which is confused with or surrounded by other holdings.

§ 4. The possessors of alienable landed property of all kinds, whether in town or country, are allowed, after due notice given to the provincial authority, reserving the rights of those holding mortgages and those enjoying rights of pre-emption (§ 3), to separate the principal estate from its appurtenances, and in general to alienate lands piecemeal. In the same way co-proprietors may divide among them property owned in common.

§ 5. Every landowner, including those holding feudal or entailed estates, is, without any restrictions except the previous announcement to the provincial authorities, permitted to lease in perpetuity not only single peasant holdings, taverns, mills and other appurtenances but outlying

land (*Vorwerks-land*) as well, either entire or in parts. Nor shall the superior proprietor, the successors to the feudal or entailed holding or the mortgage holder be entitled to prevent this upon any grounds if the preliminary payments be applied to the payment of the first mortgage, or, in the case of feudal and entailed estates where no mortgage exists, it be applied to the entail or fee, and provided, so far as the unsatisfied claims of the mortgage holders are concerned, it be attested by the Provincial Government Law office or by the Provincial authorities that the leasing of the land is not disadvantageous to these.¹

§ 6. If a landed proprietor finds himself unable to restore and maintain the several peasant holdings existing upon an estate which are not held hereditarily either on a perpetual lease or of copyhold, he is required to inform the authorities of the province, with the sanction of which the consolidation of several holdings into a single peasant estate or with outlying land shall be permissible so soon as serfdom shall have ceased to exist on the estate. The provincial authorities will be provided with special instructions to meet these cases.

§ 7. If, on the contrary, the peasants' holdings are hereditary whether in virtue of a perpetual lease or of copy hold, the consolidation or other change in the condition of the land in question is not admissible until the rights of the previous owner are extinguished, whether by the sale of the land to the lord or in some other legal way. In this case the provisions of § 6 shall apply as well to this species of holdings.

§ 8. Every possessor of feudal or entailed property is empowered to raise the sums required to replace the losses caused by the war by mortgaging the estates themselves and not simply the revenue from them, provided that the application of the funds is attested by the *Landrath* of the Circle or by the Direction of the District Department. From the close of the third year after the contracting of the debt the possessor and his successor are bound to pay off at least a fifteenth part of the capital annually.

§ 9. Any feudal connection not subject to a chief proprietor, any family settlement or entail, may be altered at pleasure or entirely abolished by a resolution of the family, as has already been enacted in regard to the Fiefs of East Prussia (except those of Ermeland) in the East Prussian Provincial Law, appendix 36.

§ 10. From the date of this ordinance no new relation of serfdom

¹ This article is so technical as to render an accurate and clear translation almost impossible.

whether by birth or marriage, or by assuming the position of a serf, or by contract can be created.

§ 11. With the publication of the present ordinance the existing relations of serfdom of those serfs, with their wives and children, who possess their peasant holdings by inheritance, or in their own right, or by perpetual leases or of copy hold shall cease entirely together with all mutual rights and duties.

§ 12. From Martinmas, one thousand eight hundred and ten (1810) all serfdom shall cease throughout our whole realm. From Martinmas 1810 there shall be only free persons, as is already the case upon the royal domains in all our provinces, free persons, however, still subject, as a matter of course, to all obligations which bind them as free persons by reason of the possession of an estate or by virtue of a special contract.¹

To this declaration of our supreme will everyone whom it may concern and in particular our provincial authorities and other officials are exactly and dutifully to conform and the present ordinance is to be universally made known.

Authentically under our own royal signature, given at Memel,
October 9, 1807.

FREDERICH WILLIAM,

Schrötter, Stein, Schrötter II.

THE DECREE UNITING THE PAPAL STATES TO THE FRENCH EMPIRE, MAY, 1809.

The French had occupied the Papal States as early as April, 1808. The relations between Napoleon and the Pope were very strained. The latter had, for example, forbidden the Bishops in the Legations to take the oath to their new ruler. After the battle of Aspern the Pope excommunicated Napoleon, who in his turn ordered the Pope to be arrested (July, 1809). February 17, 1810, the States of the church were, by a *Senatus Consulte*, formally annexed to France as two new departments.

¹ These general provisions abolishing serfdom were so vague as to be misunderstood. The King therefore issued an official explanation later (*Publicandum relating to Silesia and Glatz of April 8, 1809*; Gesetz-Sammlung 1806-10 pp. 557 ff.) which serves to enlighten us upon the exact nature of the *personal* dependence of the serf. This consisted, for example, in the right of the lord to demand three years' service from children of his serfs, and to control them in later life in the matter of occupation and marriage. The former serf is permitted by the new law to engage in any industry he may choose and to leave the manor, if he wishes, without demanding the consent of the lord.

From the Correspondance de Napoléon 1er. No. 15,219, Vol. 19.

Napoleon, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine, etc., in consideration of the fact that when Charlemagne, Emperor of the French and our august predecessor, granted several counties to the Bishops of Rome he ceded these only as fiefs and for the good of his realm and Rome did not by reason of this cession cease to form a part of his empire ; farther that since this association of spiritual and temporal authority has been and still is a source of dissensions and has but too often led the pontiffs to employ the influence of the former to maintain the pretensions of the latter, and thus the spiritual concerns and heavenly interests which are unchanging have been confused with terrestrial affairs which by their nature alter according to circumstances and the policy of the time ; and since all our proposals for reconciling the security of our armies, the tranquillity and the welfare of our people and the dignity and integrity of our Empire, with the temporal pretensions of the Popes have failed, we have decreed and do decree what follows ;

ARTICLE 1. The Papal States are reunited to the French Empire.

ARTICLE 2. The City of Rome, so famous by reason of the great memories which cluster about it and as the first seat of Christianity, is proclaimed a free imperial city. The organization of the government and administration of the said city shall be provided by a special statute.

ARTICLE 3. The remains of the structures erected by the Romans shall be maintained and preserved at the expense of our treasury.

ARTICLE 4. The public debt shall become an imperial debt.

ARTICLE 5. The lands and domains of the Pope shall be increased to a point where they shall produce an annual net revenue of two millions.

ARTICLE 6. The lands and domains of the Pope as well as his palaces shall be exempt from all taxes, jurisdiction or visitation, and shall enjoy special immunities.

ARTICLE 7. On the first of June of the present year a special *consultus* shall take possession of the Papal States in our name and shall make the necessary provisions in order that a constitutional system shall be organized and may be put in force on January first 1810.

Given at our Imperial Camp at Vienna, May 17th, 1809.

NAPOLEON.

INTRODUCTORY BIBLIOGRAPHY.

Sloane, William M., Napoleon Bonaparte. 4 vols. Century Co. An elaborate and impartial treatment of Napoleon's life; beyond a doubt the best for the student except perhaps Fournier's shorter treatment mentioned below, giving full lists of authorities at end of fourth volume.

Lanfrey, Pierre: History of Napoleon. 4 vols. Macmillan. (Translated from the French.)

This work was interrupted by the author's death, and reaches only to the close of 1811. The treatment of Napoleon is harsh. While the writer makes constant use of the best historical source, Napoleon's own letters, his attitude is unfair, and the motives ascribed for Napoleon's policy are always the lowest. The work forms an excellent antidote to that of Thiers.

Thiers, History of the Consulate and Empire. Several editions of the English translation are available.

Thiers shows an unmistakable tendency, especially in the earlier half of his work, unduly to glorify the Napoleonic régime. The sources relied upon are, moreover, very rarely cited. The work is, nevertheless, important and is probably the most interesting history in twenty volumes ever written, the style and arrangement being a justifiable source of pride to the author.

Fournier, August, Napoleon der Erst. 3 vols. Leipsig and Prague. Two of the three volumes of this work may be had in a French translation.

Excellent in every way, and contains the most complete bibliography of the period. Superior to Mr. Sloane's biography on account of the attention given to the important changes in Europe resulting from Napoleon's invasions. The German original costs but a dollar, bound, and the work is indispensable to students who can read German or French.

Taine, The Modern Régime. Chapters I and II.

The author gives us in a short space a most fascinating, brilliant and suggestive analysis of Napoleon's policy and genius.

Good short accounts of the history of Europe during the Napoleonic period are furnished by *Fyffe, History of Modern Europe, Vol. I.* *Rose, J. H. The Revolutionary and Napoleonic Period.*

THE SOURCES.

La Correspondance de Napoléon, 1er. 32 vols.

This collection of Napoleon's letters, though far from complete, is of primary importance.

Memoires. Of these there are a great number.

Those of *Miot de Melito* and of *Madame de Rémusat* are to be had in English and are both trustworthy and interesting. The latter is especially to be recommended for the general reader. The *Memoires of the Baron de Marbot* (available in English) give good accounts of many of the most famous military episodes.

The Journal of Saint Helena, by Las Cases, as well as the more elaborate *Memoires* dictated by Napoleon during his exile, are sometimes suggestive, although inaccurate in the extreme, as is shown by a comparison with the *Correspondance*. The literature of Saint Helena deluded the world for a time, as Napoleon intended it should.

For farther information in regard to the vast literature of the subject, the student is referred to Fournier's excellent bibliographical appendices above noted.

TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II.	THE MEDIEVAL STUDENT.	No. 3.
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In order to give greater unity to this short pamphlet, the editor has selected material for the period before 1300 and almost exclusively for the University of Paris. This was the great model for later universities. Bologna was copied by most of the Italian universities, by Montpellier and Grenoble in France, and to some extent by the universities of Spain. Paris was the model followed by other French universities, by the English, German, and for the most part by the Spanish and Portuguese. Duboulay could say with truth that most of the others were daughters of the mother university in Paris. See Rashdall, *passim*; Denifle, 132, 760 *et passim* under the different universities; and Compayré, 61 ff.

I. PRIVILEGES OF THE STUDENTS.

The students of the French universities were considered to be members of the church and were styled *clerici*. They enjoyed the same privileges as the other members of the church. In addition, both kings and popes granted privileges; the kings were anxious to keep the students in their domains; the popes, by their grants, brought the students more directly under the authority of the church, and thus increased their own power. Many of the popes, too, had studied at the universities.

Frederick's grant is often called the first privilege to a university; and it is generally said it was enacted for Bologna. Although it may have been obtained by the influence of the Bolognese doctors, it was granted to students in general; Bologna is not named. The historical poem on which Giesebrecht and Winkelmann relied to prove that it was for Bologna is undoubtedly a forgery. A good discussion of this privilege can be found in Denifle; *Universitäten des Mittelalters*, I, 48 ff, and 133 ff, and in Rashdall, I, 145 f.

The first royal privilege for Paris, which has been preserved, was granted by Philip Augustus. In it we find him supporting the students against his own officer, the provost. We must always remember that in those days, when there were no university buildings, it was very easy for a whole university to decamp, and that this sometimes happened. The departure of the students was a real blow to the prosperity of any city.

Gregory's statutes have been called the Magna Charta of the University of Paris. Here we find the pope, too, supporting the students against his own officer, the chancellor. The students had actually dispersed and had taken an oath not to return. By this act the pope established their privileges firmly, in spite of opposition from the queen. Possibly the most curious privilege is the right to suspend all courses. This was so much abused that, in 1256, Alexander IV. tried to modify it (*Chart. I*, No. 284), but to little purpose. It was the most effective weapon that the university could wield, and was used on the slightest provocation. This privilege was restricted by Pius II, and was lost in 1499.

Compayré has a well-written chapter on the privileges of the universities in his "Abelard and the Origin and Early History of Universities." The subject is also discussed at length and with great learning by Rashdall, especially in Vol. I.

PRIVILEGE OF FREDERICK I. FOR THE STUDENTS. 1158.

Mon. Germ. Hist. LL. II. 114¹. Latin.

After a careful consideration of this subject by the bishops, abbots, dukes, counts, judges, and other nobles of our sacred palace,

¹ According to Denifle I, 50, the text of this document in the *Monumenta* is very defective. I have not had access to any better edition.

we, from our piety, have granted this privilege to all scholars who travel for the sake of study, and especially, to the professors¹ of divine and sacred laws, namely, that they may go in safety to the places in which the studies are carried on, both they themselves and their messengers, and may dwell there in security. For we think it fitting that, during good behavior, those should enjoy our praise and protection, by whose learning the world is enlightened to the obedience of God and of us, his ministers and the life of the subjects is moulded; and by a certain special love we defend them from all injuries.

For who does not pity those who exile themselves through love for learning, who wear themselves out in poverty in place of riches, who expose their lives to all perils and often suffer bodily injury from the vilest men—this must be endured with vexation. Therefore, we declare by this general and ever to be valid law, that in the future no one shall be so rash as to venture to inflict any injury on scholars, or to occasion any loss to them on account of a debt owed by an inhabitant of their province—a thing which we have learned is sometimes done by an evil custom. And let it be known to the violators of this constitution, and also to those who shall at the time be the rulers of the places, that a four-fold restitution of property shall be exacted from all and that, the mark of infamy being affixed to them by the law itself, they shall lose their office forever.

Moreover, if any one shall presume to bring a suit against them on account of any business, the choice in this matter shall be given to the scholars, who may summon the accusers to appear before their professors² or the bishop of the city, to whom we have given jurisdiction in this matter. But if, in sooth, the accuser shall attempt to drag the scholar before another judge, even if his cause is a very just one, he shall lose his suit for such an attempt.

¹The use of this word has given rise to much discussion. Savigny thinks the privilege is intended especially for the professors of law at Bologna. But the wording in the other passages shows that the privilege was intended for the scholars. The best brief discussion is in Denifle I, 56 ff.

²The Latin reads, *coram domino aut magistro suo vel ipsius civitatis episcopo*. *Dominus* probably applies to the instructor in law and *magister* to the instructor in the other branches, so I have rendered the two by "professor," following Denifle I, 58.

We also order this law to be inserted among the imperial constitutions under the title, *ne filius pro patre, etc.*

Given at Roncaglia, in the year of our Lord 1158, in the month of November.

*PRIVILEGE OF PHILIP AUGUSTUS IN FAVOR OF THE
STUDENTS AT PARIS.*¹ 1200.

Chartularium Universitatis Parisiensis I, No. I, p. 59. Latin.

In the Name of the sacred and indivisible Trinity, amen. Philip, by the grace of God, King of the French. Let all men know, now and in the future, that for the terrible crime owing to which five of the clergy and laity at Paris were killed by certain malefactors, we shall do justice as follows: that Thomas, then provost, concerning whom more than all others the students have complained, because he denies the deed, we shall consign to perpetual imprisonment, in close confinement, with meagre fare, as long as he shall live; unless, perchance, he shall choose to undergo publicly at Paris the ordeal by water. If he attempts that and fails, he shall be condemned. If he succeeds, never henceforth at Paris nor anywhere else in our own land shall he be our provost or bailiff; nor elsewhere, if we are able to prevent it; nor shall he in the future enter Paris.

And if through the full and legal examination, which we have entrusted to two of our faithful servants, Walter, the chamberlain, and Philip de Levis [to be conducted] without making any exception of persons, by the invocation of the Christian faith and by the fidelity which they owe to us, their liege lord, and through the oath which they have sworn to us concerning our honor and advice, we are able to learn what further we can and ought to do in the matter, we will do it without any hesitation, for God's honor and our own. Moreover, concerning the others who are in prison for the same crime, we will act thus: we will detain them in perpetual imprisonment, in our custody, unless they prefer to undergo the ordeal by water and to prove their innocence by God's witness. If they fail in that, we shall consider them condemned; unless, perchance, some of them having been fully tried

¹ See Rashdall, I, 296, or Roger de Hoveden, in Rolls Series, IV, 120, for the cause of this decree.

shall be found innocent, or being found less guilty, shall be freed from captivity by us, on the intercession of the scholars.¹ Those, moreover, who have fled we consider *ipso facto* condemned, and we shall cause all the counts in our land to swear that they will diligently seek them out and if they are able to seize any one of them, they will seize him and send him to us at Paris.

Also, concerning the safety of the students at Paris in the future, by the advice of our subjects we have ordained as follows: we will cause all the citizens of Paris to swear that if any one sees an injury done to any student by any layman, he will testify truthfully to this, nor will any one withdraw in order not to see [the act]. And if it shall happen that any one strikes a student, except in self-defense, especially if he strikes the student with a weapon, a club or a stone, all laymen who see [the act] shall in good faith seize the malefactor or malefactors and deliver them to our judge; nor shall they withdraw in order not to see the act, or seize the malefactor, or testify to the truth. Also, whether the malefactor is seized in open crime or not, we will make a legal and full examination through clerks or laymen or certain lawful persons; and our count and our judges shall do the same. And if by a full examination we or our judges are able to learn that he who is accused, is guilty of the crime, then we or our judges shall immediately inflict a penalty, according to the quality and nature of the crime; notwithstanding the fact that the criminal may deny the deed and say that he is ready to defend himself in single combat, or to purge himself by the ordeal by water.

Also, neither our provost nor our judges shall lay hands on a student for any offence whatever; nor shall they place him in our prison, unless such a crime has been committed by the student, that he ought to be arrested. And in that case, our judge shall arrest him on the spot, without striking him at all, unless he resists, and shall hand him over to the ecclesiastical judge, who ought to guard him in order to satisfy us and the one suffering the injury. And if a serious crime has been committed, our judge shall go or shall send to see what is done with the student. If, indeed, the student does not resist arrest and yet suffers any injury, we will exact satisfaction for it, according to the aforesaid

¹ Students asked to be allowed to settle the matter for themselves by flogging them "after the manner of scholars."

examination and the aforesaid oath. Also our judges shall not lay hands on the chattels¹ of the students at Paris for any crime whatever. But if it shall seem that these ought to be sequestered, they shall be sequestered and guarded after sequestration by the ecclesiastical judge, in order that whatever is judged legal by the church, may be done with the chattels. But if students are arrested by our count at such an hour that the ecclesiastical judge can not be found and be present at once, our provost shall cause the culprits to be guarded in some student's house without any ill-treatment, as is said above, until they are delivered to the ecclesiastical judge.

Concerning the lay servants of the students, who do not owe to us *burgensiam*² or *residentiam*³, and do not live by traffic, and through whom the scholars do not do any injury to any one, it shall be as follows: neither we nor our judge shall lay hands on them unless they commit an open crime, for which we or our judge ought to arrest them. In accordance, truly, with the tenor of the privilege which we have granted to the students at Paris, we are not willing that the canons of Paris and their servants should be included in this privilege. But we wish the servants of the canons at Paris and the canons of the same city to have the same liberty which our predecessors ought to have granted to them and which we ought to. Also, on account of the above-mentioned conventions or on account of this charter, we shall not be liable to lawsuit except in our own courts.

In order, moreover, that these [decrees] may be kept more carefully and may be established forever by a fixed law, we have decided that our present provost and the people of Paris shall affirm by an oath, in the presence of the scholars, that they will carry out in good faith all the above-mentioned. And always in the future, whosoever receives from us the office of provost in Paris, among the other initiatory acts of his office, namely, on the first or second Sunday, in one of the churches of Paris,—after he has been summoned for the purpose,—shall affirm by an oath, publicly

¹ See Rashdall, I, 297 ff.

² *Burgensia* was the fixed annual tax which a burgher paid to the lord of the borough on the dwellings which he owned in the borough. Ducange.

³ *Residentia* was the right of a feudal lord to compel a vassal or tenant to live within the confines of his fief or to have a dwelling there. Ducange.

in the presence of the scholars, that he will keep in good faith all the above-mentioned. And that these decrees may be valid forever, we have ordered this document to be confirmed by the authority of our seal and by the characters of the royal name, signed below.

Done near Betisi in the 1200th year of the Incarnation of our Lord, in the 21st year of our reign, those being present in our palace whose names and signs are placed below.

The office of Seneschal vacant. Seal of Guy, the Cup-bearer. Seal of Matthew, the Chamberlain. Seal of Drogo, the Constable. Done during a vacancy (monogram) in the Chancellorship.

*STATUTES OF GREGORY IX. FOR THE UNIVERSITY OF
PARIS.¹ 1231.*

Char. Univ. Paris. I, No. 79, p. 136. Latin.

Gregory, the bishop, servant of the servants of God, to his beloved sons, all the masters and students at Paris—greeting and apostolic benediction.

Paris, the mother of sciences, like another Cariath Sepher, a city of letters, stands forth illustrious, great indeed, but concerning herself she causes greater things to be desired, full of favor for the teachers and students. There, as in a special factory of wisdom, she has silver as the beginnings of her veins, and of gold is the spot in which according to law they flow together; from which the prudent mystics of eloquence fabricate golden necklaces inlaid with silver, and making collars ornamented with precious stones of inestimable value, adorn and decorate the spouse of Christ. There the iron is raised from the earth, because, when the earthly fragility is solidified by strength, the breastplate of faith, the sword of the spirit, and the other weapons of the Christian soldier, powerful against the brazen powers, are formed from it. And the stone melted by heat, is turned into brass, because the hearts of stone, enkindled by the fervor of the Holy Ghost, at times glow, burn and become sonorous, and by preaching herald the praises of Christ.

Accordingly, it is undoubtedly very displeasing to God and men that any one in the aforesaid city should strive in any way to

¹ For cause of these Statutes see M. Paris: Chron. major. III, 166 ff, in Rolls Series, or Rashdall, I, 335-6.

disturb so illustrious grace, or should not oppose himself openly and with all his strength to any who do so. Wherefore, since we have diligently investigated the questions referred to us concerning a dissension which, through the instigation of the devil, has arisen there and greatly disturbed the university, we have decided, by the advice of our brethren, that these should be set at rest rather by precautionary measures, than by a judicial sentence.

Therefore, concerning the condition of the students and schools, we have decided that the following should be observed: each chancellor, appointed hereafter at Paris, at the time of his installation, in the presence of the bishop, or at the command of the latter in the chapter at Paris—two masters of the students having been summoned for this purpose and present in behalf of the university—shall swear that, in good faith, according to his conscience, he will not receive as professors of theology and canon law any but suitable men, at a suitable place and time, according to the condition of the city and the honor and glory of those branches of learning; and he will reject all who are unworthy without respect to persons or nations. Before licensing any one, during three months, dating from the time when the license is requested, the chancellor shall make diligent inquiries of all the masters of theology present in the city, and of all other honest and learned men through whom the truth can be ascertained, concerning the life knowledge, capacity, purpose, prospects and other qualities needful in such persons; and after the inquiries, in good faith and according to his conscience, he shall grant or deny the license to the candidate, as shall seem fitting and expedient. The masters of theology and canon law, when they begin to lecture, shall take a public oath that they will give true testimony on the above points. The chancellor shall also swear, that he will in no way reveal the advice of the masters, to their injury; the liberty and privileges being maintained in their full vigor for the canons at Paris, as they were in the beginning. Moreover, the chancellor shall promise to examine in good faith the masters in medicine and arts and in the other branches, to admit only the worthy and to reject the unworthy.

In other matters, because confusion easily creeps in where there is no order, we grant to you the right of making constitutions and ordinances regulating the manner and time of lectures and disputations, the costume to be worn, the burial of the dead; and

also concerning the bachelors, who are to lecture and at what hours, and on what they are to lecture; and concerning the prices of the lodgings or the interdiction of the same; and concerning a fit punishment for those who violate your constitutions or ordinances, by exclusion from your society. And if, perchance, the assessment of the lodgings is taken from you, or anything else is lacking, or an injury or outrageous damage, such as death or the mutilation of a limb, is inflicted on one of you, unless through a suitable admonition satisfaction is rendered within fifteen days, you may suspend your lectures until you have received full satisfaction. And if it happens that any one of you is unlawfully imprisoned, unless the injury ceases on a remonstrance from you, you may, if you judge it expedient, suspend your lectures immediately.

We command, moreover, that the bishop of Paris shall so chastise the excesses of the guilty, that the honor of the student shall be preserved and evil deeds shall not remain unpunished. But in no way shall the innocent be seized on account of the guilty; nay rather, if a probable suspicion arises against any one, he shall be detained honorably and on giving suitable bail he shall be freed, without any exactions from the jailors. But if, perchance, such a crime has been committed that imprisonment is necessary, the bishop shall detain the criminal in his prison. The chancellor is forbidden to keep him in his prison. We also forbid holding a student for a debt contracted by another, since this is interdicted by canonical and legitimate sanctions. Neither the bishop, nor his officials nor the chancellor shall exact a pecuniary penalty for removing an excommunication or any other censure of any kind. Nor shall the chancellor demand from the masters who are licensed an oath, or obedience, or any pledge; nor shall he receive any emolument or promise for granting a license, but be content with the above-mentioned oath.

Also, the vacation in summer is not to exceed one month, and the bachelors, if they wish, can continue their lectures in vacation time. Moreover, we prohibit more expressly the students from carrying weapons in the city, and the university from protecting those who disturb the peace and study. And those who call themselves students, but do not frequent the schools, or acknowledge any master, are in no way to enjoy the liberties of the students.

Moreover, we order that the masters in arts shall always read one lecture on Priscian,¹ and one book after the other in the regular courses. Those books on natural philosophy which for a certain reason were prohibited in a provincial council,² are not to be used at Paris until they have been examined and purged of all suspicion of error. The masters and students in theology shall strive to exercise themselves laudably in the branch which they profess; they shall not show themselves philosophers,³ but they shall strive to become God's learned. And they shall not speak in the language of the people, confounding the sacred language with the profane.⁴ In the schools they shall dispute only on such questions as can be determined by theological books and the writings of the holy fathers.

Also, about the property of the scholars who die intestate or do not commit the arrangement of their affairs to others, we have determined to arrange thus: namely, that the bishop and one of the masters, whom the university shall appoint for this purpose, shall receive all the property of the defunct, and placing it in a suitable and safe spot, shall fix a certain date, before which his death can be announced in his native country, and those who ought to succeed to his property may come to Paris or send a suitable messenger. And if they come or send, the goods shall be restored to them, with the security which shall have been given. If no one appears, then the bishop and masters shall expend the property for the soul of the departed, as seems expedient; unless, perchance, the heirs shall have been prevented from coming by some good reason. In that case, the distribution shall be deferred to a fitting time.

¹ See page 12.

² See Chart. Univ. Paris. I, No. 11, and page 12, below.

³ An oft repeated injunction. The meaning is that they are not to be led astray by vain subtleties. Not infrequently skill in dialectics led to heresy. (Cf. letter of Stephen of Tournai, printed in Denifle, *Universitäten* I, 746, n.) The character of much of the training at Paris at this period can be well illustrated by Guil. Cambrensis' old story (*Gemma Ecclesiastica*, Rolls Series, II, 350). The student just returned from Paris, tells his father that he can prove six equal to twelve and illustrates the proof by the six eggs on the table. When he finishes, his father takes all six eggs and says the son can have the other six for his breakfast.

⁴ The Latin is *Azotica*, see Ducange.

Truly, because the masters and students, who harassed by damages and injuries, have taken a mutual oath to depart from Paris and have broken up the school, have seemed to be waging a contest not so much for their own benefit as for the common good; we, consulting the needs and advantages of the whole church, wish and command that after the privileges have been granted to the masters and students by our most dearly beloved son in Christ, the illustrious king of the French, and amends have been paid by the malefactors, they shall study at Paris and shall not be marked by any infamy or irregularity on account of their staying away or return.

It is not lawful for any man whatever to infringe this deed of our provision, constitution, concession, prohibition and inhibition or to act contrary to it, from rash presumption. If any one, however, should dare to attempt this, let him know that he incurs the wrath of almighty God and of the blessed Peter and Paul, his apostles.

Given at the Lateran, on the Ides of April, in the fifth year of our pontificate.

II. THE COURSES OF STUDY.

The basis of all study at a university was the course in arts. Of the other faculties, theology was best represented at Paris, law at Bologna, medicine at Salerno. The study of civil law and medicine was discouraged by the church, but in vain. The latter had long flourished at Salerno and, owing to the new knowledge acquired by contact with the Arabs and Greeks, was making comparatively rapid progress in the thirteenth century. But the medical faculty became much more prominent in the next century. The study of civil law flourished in the twelfth century at Bologna and easily maintained its position later. In Roger Bacon's *Compendium studii philosophiae*, ch. IV. (Opera ined., Vol. I, in Rolls Series), we have a vivid picture of the prominence of the civil law and of the church's dislike of it.

Robert de Courçon's statutes lay down the course in arts and enumerate carefully the books to be studied. (Consult also Chart. I, No. 246.) There was no need for him to specify the books for the course in theology, as will appear below. It is significant that he does not mention the law or medical students. Note also that the students are expected not only to learn, but also to teach.

In spite of the great preponderance of biblical books given by Stephen of Canterbury, the Sentences of Peter Lombard formed the more important part of the course in theology. The latter was expounded in the regular courses, the Bible in the extraordinary courses. (See Roger Bacon in Chart. I, No. 419.) The exposition of these two books formed practically

the whole instruction. But it must be remembered that the theological students had already passed through the course in arts.

Anatomy was considered sacrilegious, although required by Frederick II. at Naples. The instruction in medicine was similar to that in all other branches. The students heard the standard books explained, but had no opportunities for practice. Rashdall, I, 428-430 discusses this subject.

There is not space for a satisfactory document on the course in law. It is well summed up in Compayré.

On all of these subjects, consult *Histoire littéraire de la France*, Vol. XVI, and for the studies included in the Trivium and Quadrivium, *Ibid.*, Vol. XXIV, 384, ff.

STATUTES OF ROBERT DE COURÇON FOR PARIS. 1215.

Chart. Univ. Paris. I, No. 20, p. 78. Latin.

R., servant of the cross of Christ, by the divine mercy cardinal priest with the title of St. Stephen in Monte Celio and legate of the apostolic seat, to all the masters and scholars at Paris—eternal safety in the Lord.

Let all know, that having been especially commanded by the lord pope to devote our energy effectively to the betterment of the condition of the students at Paris, and wishing by the advice of good men to provide for the tranquility of the students in the future, we have ordered and prescribed the following rules:

No one is to lecture at Paris in arts before he is twenty years old. He is to listen in arts at least six years, before he begins to lecture. He is to promise that he will lecture for at least two years, unless he is prevented by some good reason, which he ought to prove either in public or before the examiners. He must not be smirched by any infamy. When he is ready to lecture, each one is to be examined according to the form contained in the letter¹ of lord P. bishop of Paris (in which is contained the peace established between the chancellor and the students by the judges appointed by the lord pope, approved and confirmed namely by the bishop and deacon of Troyes and by P. the bishop, and J. the chancellor of Paris).

The treatises of Aristotle on logic, both the old and the new,²

¹ See No. 16 in the same volume.

² The "old logic" (*Vetus logica*) is a little indefinite. According to *Chartularium* I, No. 246 (A. D. 1255), where the term is defined, it included the *liber Porphyrii*, or Introduction to the Categories of Aristotle; the Pre-

are to be read in the schools in the regular and not in the extraordinary courses.¹ The two Priscians,² or at least the second, are also to be read in the schools in the regular courses. On the feast-days³ nothing is to be read except philosophy, rhetoric, *quadrivialia*,⁴ the Barbarisms,⁵ the Ethics,⁶ if one so chooses, and the fourth book of the Topics.⁷ The books of Aristotle on Metaphysics or Natural Philosophy,⁸ or the abridgements of these works, are not to be read, nor "the doctrine" of master David de Dinant,⁹ of the heretic Almaric,¹⁰ or of Maurice of Spain.¹¹

In the inceptions¹² and meetings of the masters and in the confutations or arguments of the boys or youths there are to be no

dicamenta (Categories); the Hermeneia (Interpretations); and the Divisions and Topics (except the fourth book) of Boethius. But in Chart. I, No. 201 (A. D. 1252), only the Predicamenta and Hermeneia seem to be included. These two were always constituent parts and generally the liber Porphyrii. At what date—before 1255—the two books by Boethius were added is very uncertain.

The "new logic" (Nova logica) included the Topica, the Elenchi, the Analytica priora and posteriora.

¹ For a discussion of the differences between the two kinds of courses, see Compayré, 173, n., or Rashdall, I, 426.

² The first sixteen books of Priscian's Institutiones Grammaticæ were called the Priscianus major or magnus; the last two the Priscianus minor.

³ There were nearly 100 holidays each year.

⁴ Books relating to the subjects included in the quadrivium, viz., arithmetic, geometry, music and astronomy.

⁵ The third book of the Ars major of Donatus.

⁶ Nichomachean Ethics of Aristotle.

⁷ The Topics of Boethius, of which the other three books are included in the "Vetus logica."

⁸ See Chart. I, No. 11.

⁹ Disciple of Almaric (next note). Probably died before 1209. See Histoire littéraire, Vol. XVI, p. 588; Rashdall, II, 356.

¹⁰ Almaric was one of the most renowned teachers at Paris at the beginning of the thirteenth century. He adopted the ideas of Aristotle's metaphysics and attempted to reconcile them with the teachings of the Bible. His book, Physion, was condemned in 1204, and he died between 1204 and 1209. His disciples expanded his ideas and called the pope Anti-christ. See Hist. litt. XVI, 586 ff.

¹¹ We know nothing of Maurice.

¹² *Principium* is the act of obtaining the grade of doctor. Ducange.

festivities. But they may call in some friends or associates, but only a few. We also advise that donations of garments and other things be made, as is customary or even to a greater extent, and especially to the poor. No master lecturing in arts is to wear anything except a cope, round and black and reaching to the heels—at least, when it is new. But he may well wear a pallium.¹ He is not to wear under the round cope embroidered shoes and never any with long bands.

If any one of the students in arts or theology dies, half of the masters of arts are to go the funeral, and the other half to the next funeral. They are not to withdraw until the burial is completed, unless they have some good reason. If any master of arts or theology dies, all the masters are to be present at the vigils, each one is to read the psalter or have it read. Each one is to remain in the church, where the vigils are celebrated, until midnight or later, unless prevented by some good reason. On the day when the master is buried, no one is to lecture or dispute.

We fully confirm to them the meadow of St. Germain in the condition in which it was adjudged to them.²

Each master is to have jurisdiction over his scholars. No one is to receive either schools or a house without the consent of the occupant, if he is able to obtain it. No one is to receive a license from the chancellor or any one else through a gift of money, or furnishing a pledge or making an agreement. Also, the masters and students can make among themselves or with others agreements and regulations, confirmed by a pledge, penalty or oath, about the following matters: namely, if a student is killed, mutilated or receives some outrageous injury and if justice is not done; for taxing the rent of *Hospitia*; concerning the dress, burial, lectures and disputations; in such a manner, however, that the university is not scattered nor destroyed on this account.

We decide concerning the theologians, that no one shall lecture at Paris before he is thirty-five years old, and not unless he has studied at least eight years,³ and has heard the books faithfully and in the schools. He is to listen in theology for five years, be-

¹ Proper garment for a monk.

² See Chart. Introd. No. 47.

³ At the beginning of the fourteenth century the course was prolonged to fourteen years.

fore he reads his own lectures in public. No one of them is to lecture before the third hour on the days when the masters lecture. No one is to be received at Paris for the important lectures or sermons unless he is of approved character and learning. There is to be no student at Paris who does not have a regular master.

In order moreover that these may be inviolably observed, all who presume contumaciously to violate these our statutes, unless they take care, within fifteen days from the date of the transgression, to correct their presumption in the presence of the university of masters and scholars, or in the presence of some appointed by the university, by the authority of the legation with which we are entrusted, we bind with the bond of excommunication.

Done in the year of grace 1215, in the month of August.

*LIBRARY OF THEOLOGICAL BOOKS GIVEN TO THE
UNIVERSITY OF PARIS. 1271.*

Chart. Univ. Paris. I, No. 437, p. 493. Latin.

To all the officers of the court at Paris who shall read this document, greeting in the Lord. We make known that John of Orleans, constituted master in our presence, canon and chancellor of Paris, acknowledges and admits that he has received and had from the venerable man master Nicholas, arch-deacon of the church at Paris, formerly chancellor of the aforesaid church at Paris, the books named below—to be lent to the poor students studying theology,—according to a certain clause contained in the will of master Stephen of blessed memory, formerly arch-deacon of Canterbury, which is inserted in the present document, as follows:

I will and command that my books on theology shall be delivered to the chancellor of Paris who, for the sake of piety, shall lend them to poor students studying theology at Paris who are without books; in such a manner, however, that each chancellor, each year, shall receive back the aforesaid books and after receiving them shall again deliver and lend them, each year, to the poor students, as shall seem expedient.

The names of the books are as follows: the Bible complete, with a glossary. Also, Genesis and Exodus, glossed, in one volume. Also, the books of Solomon, glossed, in one volume. Also, Exodus, glossed by itself. Also, Job, glossed by itself. Also, Ezekiel, glossed by itself. Also, the Gospels, glossed by them-

selves, in one volume. Also, the Psalter, with a complete glossary. Also, the four books of Sentences.¹ Also, the books of Numbers. Also, Joshua, Judith, Ruth, Deuteronomy, glossed, in one volume. Also, the four books of Kings, Chronicles, first and second. Also, Esdras, first and second of Maccabees, Amos, glossed, in one volume. Also, the Twelve Prophets, glossed, in one volume. Also, the Psalter, glossed and complete. Also, the Epistles of Paul, glossed. Also, the Psalter, glossed and complete. Also, the Scholastic Histories.² Also the four Gospels, glossed. Also, the Epistles of Paul, glossed, with a smaller glossary. Also, the Psalter, glossed and complete. Also, the first and second books of Maccabees, glossed as far as the tenth chapter. Also, the Gospel of Mark. The Gospels, glossed.

We, the above-mentioned official, have thought indeed that, in testimony and witness of all the above-mentioned, we ought to place on the present writing the seal of the court at Paris, together with the seal of the aforesaid chancellor; hoping and asking that his successors, who shall be chancellors, shall order and do with the aforesaid books, for the sake of the divine piety, according to the contents of the aforesaid clause.

Done in the year of our Lord, 1271, Wednesday, the feast of the Apostles Simon and Jude.

Also, the Bible, in two volumes, with marginal notes, which bishop Stephen presented. Also, the original of the Sentences of master Peter Lombard, in a certain volume, bound in calf, now somewhat worn, with round copper nails in the covers.

THE COURSE IN MEDICINE. 1270-1274.

Chart. Univ. Paris. I, No. 453, p. 517. Latin.

This is the form for licensing bachelors of medicine. First, the master under whom the bachelor is, ought to testify to the chancellor, in the presence of the masters called together for this purpose, concerning the suitability of licensing the bachelor. He ought to prove his time of study by at least two examinations; and the time which he ought to have studied is five and one-half years, if he has ruled in arts or has been a licentiate; or six, if he has not.

¹ Peter Lombard's work.

² Probably the *Historia Scolastica* of Pierre le Mangeur, which is quoted by Stephen of Bourbon.

The course of study is as follows: he ought to have heard the *Ars Medica*¹ twice in the regular courses and once in an extraordinary course with the exception of *Theophilus*:² On Urines, which it is sufficient to have heard once in either a regular or an extraordinary course; the *Viaticum*³ twice in regular courses: the other books of Isaac⁴ once in a regular course, twice in extraordinary courses, except the Particular Diets, which it is sufficient to have heard in an extraordinary or regular course; the Book of Antidotes⁵ of Nicholas, once. The Verses of *Ægidius*⁶ are not required. Also, he ought to have read the books on Theory and Practice.⁷

And he ought to swear this. Moreover, if any one is convicted of perjury or lying he, although licensed, may be degraded.

III. CONDEMNATION OF ERRORS.

One important function of the University of Paris was to act as a body of expert witnesses as to what was heretical. They did not hesitate to condemn even the utterances of a pope. Peter Lombard, their great master and authority, was harshly criticised and eighteen errors were found in his writings. (See Chart. I, No. 194, for eight of these errors.) The following heresies are printed here as examples of the kind of problems on which the students were exercising their reason.

TEN ERRORS CONDEMNED AT PARIS,⁸ Jan. 13, 1241.

Chart. Univ. Paris. I, No. 128, p. 170. Latin.

These are the articles rejected as contrary to true theology and

¹ Rashdall, I, 429 seems to identify this with the *Liber Tegni* of Galen.

² *Theophilus* "was a Byzantine physician, said to have lived in the seventh century A. D." (Rashdall.)

³ Composed by Abu Djâfar Ahmad, disciple of Isaac. Cf. *Journal Asiatique*, Ve série, t. I, p. 289 ff.

⁴ A Jewish physician who wrote a *Liber dietarum universalium*, *Liber dietarum particularium*, *Liber urinarum*, *Liber februm*, all translated from the Arabic by Constantine the African.

⁵ Book of Antidotes was then used in about the same sense as Book of Medicaments. This one was by Nicholas of Salerno.

⁶ *Ægidius* of Corbeil taught at Paris under Philip Augustus. He wrote his works in verse. Cf. *Histoire litt.* XXI, 333, 840.

⁷ By this Denifle thinks the *Opus Pantegni*, by Ali ben Abbâs, is meant. This was divided into Theory and Practice. It was sometimes attributed to Constantine the African.

⁸ Cf. *M. Paris. Chron. Major.* (Rolls Series), IV, 281 ff.

condemned by Odo, the chancellor of Paris, and the masters ruling in theology at Paris, in the year of our Lord 1240, on the second Sunday after the octaves of Christmas.

The first [error] is, that the Divine essence in itself will not be seen by any man or angel.

We condemn this error, and by the authority of William, the bishop, we excommunicate those who assert and defend it. Moreover, we firmly believe and assert that God in His essence or substance will be seen by the angels and all saints, and is seen by glorified spirits.

The second, that although the Divine essence is one in Father, Son and Holy Ghost, nevertheless that as far as regards form it is one in Father and Son, but not one in these with the Holy Ghost, and yet this form is the same as the Divine essence.

We condemn this error, for we firmly believe that the essence or substance is one in the Father and Son and Holy Ghost, and the essence is the same in regard to form.

The third, that the Holy Ghost, as it is a bond of affection or love, does not proceed from the Son, but only from the Father.

We condemn this error, for we firmly believe that as it is a bond of affection or love, it proceeds from both.

The fourth, that glorified spirits are not in the empyreal heaven with the angels, nor will the glorified bodies be there, but in the aqueous or crystalline heaven, which is above the firmament; which they also presume to think concerning the blessed Virgin.

We condemn this error, for we firmly believe that angels and sanctified souls and corporeal bodies will occupy the same corporeal place, namely, the empyreal heaven.

The fifth, that the bad angel was bad from his very creation, and never was anything but bad.

We condemn this error, for we firmly believe that he was created good, and afterward through sinning he became bad.

The sixth, that an angel can at the same moment be in different places and can be omnipresent if he chooses.

We condemn this error, for we firmly believe that an angel is in one definite place; so that, if he is here, he is not elsewhere at the same moment; for it is impossible that he should be omnipresent, for this is peculiar to God alone.

The seventh, that many truths, which are not God, have existed eternally.

We condemn this error, for we firmly believe that one truth alone, which is God, has existed eternally.

The eighth, that the beginning, the present time, the creation and the passion may not have been created.

We condemn this error, for we firmly believe that each is both created and creature.

The ninth, that he who has greater talents, will of necessity have greater grace and glory.

We condemn this error, for we firmly believe that God will give grace and glory to each one according to what he has decided and fore-ordained.

The tenth, that the bad angel never had ground whereon he was able to stand, nor even Adam in his state of innocence.

We condemn this error, for we firmly believe that each one had ground whereon he was able to stand, but not anything by which he was able to profit.

IV. *LIFE OF THE STUDENTS.*

The testimony is unanimous as to the evil life of a large proportion of the students. It was inevitable that young men—in many cases, mere boys—living under practically no restraint and not subject to the full penalties of the law, should have been boisterous and obstreperous. Many of the so-called students resorted to the universities simply for enjoyment and with no idea of study. Conflicts between the different nations were every day occurrences. Town and gown rows were frequent. But the citizens as a rule seem to have been favorably disposed toward the students.

In the *Chartularium* of Paris there are many proofs of the evil lives led by a part of students, (see Vol. I, Nos. 60, 197, 425, etc.). But Jacques de Vitry is preferred here because of his account of the jealousies among the different nations. The first part of his description is very characteristic, but cannot be quoted.

LIFE OF THE STUDENTS AT PARIS.

Jacobus de Vitriaco: *Hist. occid.* Bk. II, Ch. VII. Latin.

Almost all the students at Paris, foreigners and natives, did absolutely nothing except learn or hear something new. Some studied merely to acquire knowledge, which is curiosity; others to acquire fame, which is vanity; others still for the sake of gain, which is cupidity and the vice of simony. Very few studied for their own edification, or that of others. They wrangled and disputed not merely about the various sects or about some discus-

sions; but the differences between the countries also caused dissensions, hatreds and virulent animosities among them, and they impudently uttered all kinds of affronts and insults against one another.

They affirmed that the English were drunkards and had tails;¹ the sons of France proud, effeminate and carefully adorned like women. They said that the Germans were furious and obscene at their feasts; the Normans, vain and boastful; the Poitevins, traitors and always adventurers. The Burgundians they considered vulgar and stupid. The Bretons were reputed to be fickle and changeable, and were often reproached for the death of Arthur. The Lombards were called avaricious, vicious and cowardly; the Romans, seditious, turbulent and slanderous; the Sicilians, tyrannical and cruel; the inhabitants of Brabant, men of blood, incendiaries, brigands and ravishers; the Flemish, fickle, prodigal, gluttonous, yielding as butter, and slothful. After such insults from words they often came to blows.

I will not speak of those logicians before whose eyes flitted constantly "the lice of Egypt," that is to say, all the sophistical subtleties, so that no one could comprehend their eloquent discourses in which, as says Isaiah, "there is no wisdom." As to the doctors of theology, "seated in Moses' seat," they were swollen with learning, but their charity was not edifying. Teaching and not practicing, they have "become as sounding brass or a tinkling cymbal," or like a canal of stone, always dry, which ought to carry water to "the bed of spices." They not only hated one another, but by their flatteries they enticed away the students of others; each one seeking his own glory, but caring not a whit about the welfare of souls.

Having listened intently to these words of the Apostle, "If a man desire the office of a bishop, he desireth a good work," they kept multiplying the prebends, and seeking after the offices; and yet they sought the work decidedly less than the preëminence, and they desired above all to have "the uppermost rooms at feasts and the chief seats in the synagogue, and greetings in the market." Although the Apostle James said, "My brethren, be

¹ For the belief that Englishmen had tails, see S. Baring-Gould: *Curious Myths of the Middle Ages*, pp. 145 ff. Archer, *Crusade of Richard I*, 26 n. For characteristics of different nations, see Wright: *Literature and Superstitions, etc.*, I, 138.

not many masters," they on the contrary were in such haste to become masters, that most of them were not able to have any students except by entreaties and payments. Now it is safer to listen than to teach, and a humble listener is better than an ignorant and presumptuous doctor. In short, the Lord had reserved for Himself among them all only a few honorable and timorous men who had not stood "in the way of sinners," nor sat down with the others in the envenomed seat.

V. BIBLIOGRAPHICAL NOTE.

H. Rashdall : *The Universities of Europe in the Middle Ages*. 2 Vols., Oxford, 1895.

This is by far the best history in any language. The bibliographical material is very full. Several corrections in this edition are from Rashdall's work. He furnishes such full references to original material and secondary books that nothing needs to be added for students who have access to his work.

G. Compayré : *Abelard and the Origin and Early History of Universities*.

This furnishes an excellent brief bibliography. It may well form an introduction to any more lengthy study.

The songs of the students are an important source for an understanding of their life. The best edition is

J. A. Schmeller : *Carmina Burana*, Second Edition, 1883.

This gives the text of some Latin and German songs of the XIII. Century.

A. P. von Barnstein : *Carmina Burana Selecta*. 1879.

This gives text and German translation of some Latin songs, and has excellent bibliographical material.

J. A. Symonds : *Wine, Women and Song*. 1884.

This is an English version of selected songs. The book is now scarce, but a dozen of the songs have been reprinted by

T. B. Mosher : *Mediæval Latin Students' Songs* in the Bibelot Series.

TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II. MEDIEVAL SERMON STORIES. No. 4.
 Revised Edition of Monastic Tales of the XIII. Century.

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INTRODUCTION.

IN response to a request, made several times, fuller information is given here concerning the authors of these tales and their object than was to be found in the first edition. In order to do this, without increasing the length of the pamphlet, it has been necessary to leave out the special introduction under each topic. Students will find statements as to the beliefs concerning relics and the other topics in Lavissee: *Histoire de France*, Vol. III, p. 305 ff, by A. Luchaire; Lavissee et Rambaud: *Histoire Générale*, Vol. II, pp. 538-543, by Ch.-V. Langlois; Rambaud: *Histoire de la Civilisation Française*, Vol. I (7th ed., 1898), pp. 308 ff; Rosières: *Histoire de la Société Française au Moyen Age*, Vol. II, pp. 176 ff and 219 ff; the chapters on *La Société d'après les Sermons* in Bourgain: *La Chaire Française au XIII^e Siècle* and in Lecoy de la Marche: *La Chaire Française au Moyen Age*; Langlois: *La Société du Moyen Age d'après les Fabliaux* in the *Revue Bleue*, Aug. 22d and Sept. 5th, 1891; Montaiglon et Raynaud: *Recueil Général et Complet des Fabliaux des XIII^e et XIV^e Siècles*, 6 vols., Paris, 1872-1890; and in the bibliographies given in these works.

Jacques de Vitry was born probably before 1180, studied theology at Paris, and was ordained priest in 1210. He preached first in 1213 in favor of the crusade against the Albigenses. The following year he led a large army of crusaders to the siege of Toulouse. He next preached a crusade against the Saracens. In 1214 he was elected bishop of Acre, was approved by the Pope in 1215, and was consecrated in 1216. He took a prominent part in the crusade of 1218-1221. In the winter of 1219-1220 he wrote his well known historical work. In 1226 or 1227 he resigned his bishopric, and devoted himself again to preaching the crusade against the Albigenses. In 1228 he was made a cardinal, and bishop of Tusculum. In 1239, probably, he was elected patriarch of Jerusalem. He died about 1240. The anecdotes quoted are taken from the *exempla* in the *sermones vulgares, ad status or ad omne hominum*

genus, 74 in number. These *exempla* have been edited with great learning by Thomas Frederick Crane, M. A., under the title *The Exempla of Jacques de Vitry*, for the Folk Lore Society, 1890. This is the best work on the subject.

Étienne de Bourbon, a Dominican, was born towards the end of the twelfth century and died about 1261. In his youth he passed some years in the schools of the church of Saint-Vincent at Mâcon. Later he studied at the University of Paris. In his writings there are a number of interesting anecdotes concerning student-life in his days. As an inquisitor he acquired much information about the heretics, which he incorporated in his writings. Although he was zealous in his work he was prudent, and rejected many fables current about the heretics. He wrote sermons which were popular and widely used. The title shows his purpose, *Tractatus de diversis materiis prædicabilibus*. The tales used in this pamphlet are from *Anecdotes Historiques, Légendes et Apologues tirés du recueil inédit d'Etienne de Bourbon, dominicain du xiii^e siècle, publiés pour la Société de l'Histoire de France, par A. Lecoy de la Marche*, Paris, 1877.

Cæsar of Heisterbach was born about 1180, possibly in Cologne, and died before 1250. He was "master of the novices" and prior in the monastery at Heisterbach. His *Dialogue* was one of the commonest sources for sermon-stories. The best edition of his work is *Cæsarii Heisterbacensis monachi ordinis Cisterciensis Dialogus Miraculorum*, edited by Strange, 2 vols., Paris, 1851. The biographical facts given above are taken mainly from the introductions to the editions cited.

The object of these sermon-stories was to arouse interest and to convey moral truths. Jacques de Vitry said, "It is necessary to employ a great many proverbs, historical stories and anecdotes, especially when the audience is tired and begins to get sleepy." Étienne de Bourbon said that Jacques owed his great success to this practice. The use of anecdotes spread rapidly and widely, and many collections have been preserved. For bibliographies and examples see, in addition to the works cited above, Hauréau: *Notices et Extraits de quelques manuscrits latins de la Bibliothèque nationale*, 6 vols., Paris, 1890-93.

I. TALES OF THE VIRGIN.

1. VIRGIN SAVED MATRON AND MONK WHO ELOPED WITH TREASURES OF MONASTERY.*

Jacques de Vitry, CCLXXXII. (pp. 117, ff.)

A certain very religious man told me that this happened in a place where he had been living. A virtuous and pious matron came frequently to the church and served God most devoutly, day and night. Also a certain monk, the guardian and treasurer of the monastery, had a great reputation for piety, and truly he was devout. When, however, the two frequently conversed together in the church concerning religious matters, the devil, envying their virtue and fame, tempted

* Translation borrowed in part from Crane.

them sorely so that the spiritual love was changed to carnal. Accordingly they made an agreement and fixed upon a night in which the monk was to leave his monastery, taking the treasures of the church, and the matron was to leave her home, with a sum of money which she should secretly steal from her husband.

After they had left and fled, the monks on rising in the morning saw that the receptacles were broken and the treasures of the church stolen; and not finding the monk, they quickly pursued him. Likewise the woman's husband, seeing his chest open and the money gone, pursued his wife. Seizing the monk and the woman with the treasure and money, they brought them back and threw them into prison. Moreover so great was the scandal through all that part of the country and so much were all religious persons reviled that the damage from the infamy and scandal was far greater than from the sin itself.

Then the monk restored to his senses, began with many tears to pray to the blessed Virgin, whom from infancy he had always served, and never before had any such misfortune happened to him. Likewise the matron began urgently to implore the aid of the blessed Virgin whom, frequently, day and night, she had been accustomed to salute and before whose image she had been wont to kneel in prayer. At length the blessed Virgin appeared before them in great anger and after she had upbraided them severely, she said, "I am able to obtain pardon for your sins from my son, but what can I do about such an awful scandal? For you have so befouled the name of religious persons before all the people, that in the future no one will trust them. This is an almost irremediable injury."

At length the pious Virgin, overcome by their prayers, summoned the demons who had caused the deed and enjoined upon them that, as they had caused the scandal to religion, they must bring the infamy to an end. Since, indeed, they were not able to resist her commands, after much anxiety and various conferences they found a way to remove the infamy. In the night they placed the monk in the church and repairing the broken receptacle as it had been before, they placed the treasure in it. Also they closed and locked the chest which the matron had opened and replaced the money in it. And they set the woman in her room and in the place where she was accustomed to pray by night.

When, moreover, the monks found the treasure of their house and the monk, who was praying to God just as he had been accustomed to

do; and the husband found his wife and the treasure; and they found the money just as it had been before, they began to be amazed and to wonder. Rushing to the prison they saw the monk and the woman in fetters just as they had left them. For one of the demons was seen by them transformed into the figure of a monk and another into the shape of a woman. When the whole city had come together to see the miracle, the demons said in the hearing of all, "Let us go, for long enough have we deceived these people and caused ill to be thought of religious persons." And having said this they vanished. Moreover all fell down at the feet of the monk and of the woman and demanded pardon.

Behold how great infamy and scandal and how inestimable damage the devil would have wrought against religious persons, if the blessed Virgin had not aided them.*

2. *VIRGIN IN PLACE OF NUN WHO HAD FLED FROM THE CONVENT.*

Cæsar of Heisterbach, *Distinctio VII*, Cap. XXXIV. (Vol. II, pp. 42-43.)

Not many years ago, in a certain monastery of nuns, of which I do not know the name, there lived a virgin named Beatrix. She was beautiful in form, devout in mind, and most fervent in the service of the mother of God. As often as she could offer secretly to the Virgin special prayers and supplications, she held them for her dearest delight. Indeed, having been made custodian, she did this more devoutly because more freely.

A certain clerk, seeing and lusting after her, began to tempt her. When she spurned the words of lust, and on that account he insisted the more strenuously, the old serpent enkindled her breast so vehemently that she could not bear the flames of love. Therefore coming to the altar of the blessed Virgin, the patroness of the oratory, she spoke thus: "Mistress, I have served thee as devoutly as I could; behold, I resign thy keys to thee, I cannot longer withstand the temptations of the flesh." And, having placed the keys on the altar, she secretly followed the clerk.

* For variants of this anecdote see Étienne de Bourbon, No. 519; Wright: *Latin Stories*, No. 37. Crane, p. 257, cites other versions of this story in Latin, French, English and German.

When that wretched man had corrupted her, he abandoned her after a few days. Since she had no means of living and was ashamed to return to the convent, she became a harlot. After she had continued in that vice publicly for fifteen years, she came one day in a lay habit to the door of the monastery. She said to the doorkeeper, "Did you know Beatrix, formerly custodian of this oratory?" When the latter replied, "I knew her very well. For she is an honest and holy woman, and from infancy even to the present day she has remained in this monastery without fault." When she hearing the man's words, but not understanding them, wished to go away, the mother of mercy appeared in her well-known image and said to her, "During the fifteen years of thy absence, I have performed thy task; now return to thy place and do penance; for no one knows of thy departure." In fact, in the form and dress of that woman, the mother of God had performed the duties of custodian. Beatrix entered at once and returned thanks as long as she lived, revealing through confession what had been done for her.*

3. *WOMAN PUNISHED FOR DESPISING A STATUE OF THE VIRGIN.*

Cæsar of Heisterbach, Dist. VII, Cap. XLIV. (Vol. II, pp. 62-63.)

In the chapel of the castle of Veldenz there is a certain ancient image of the blessed Virgin holding her son in her bosom. This image is, indeed, not very well made, but is endowed with great virtue. A certain matron of this castle, which is situated in the diocese of Trier, standing in the chapel one day looked at the image and despising the workmanship, said, "Why does this old rubbish stand here?"

The blessed Mary, the mother of mercy, not, as I think, complaining to her son of the woman who spoke so foolishly, but predicting the future penalty for the crime to a certain other matron, said, "Because that lady," designating her by name, "called me old rubbish, she shall always be wretched as long as she lives."

After a few days that lady was driven out by her own son from all her possessions and property, and up to the present day she begs wretchedly enough, suffering the punishment for her foolish speech. Behold how the blessed Virgin loves and honors those who love her, and punishes and humbles those who despise her.

* Cf. Jacques de Vitry, No. 60; Wright, No. 106.

4. *HORRIBLE DEATH OF A BLASPHEMER OF THE VIRGIN.*

Étienne de Bourbon, No. 133. (p. 113.)

Also near Cluny, as I have heard from many, it happened recently, namely, in the year of our Lord 1246, when I was there, that a certain tavern keeper on the Saturday before Advent, in selling wine and taking his pay, blasphemed Christ during the whole day. But when about the ninth hour, in the presence of a multitude of men, he had sworn by the tongue of the blessed Virgin, by blaspheming her he lost the use of his tongue, and by speaking basely of her, suddenly stricken in the presence of the multitude, he fell dead.*

5. *ROBBER DELIVERED FROM HANGING BECAUSE OF HIS PRAYERS TO THE VIRGIN.*

Étienne de Bourbon, No. 119. (p. 103.)

Also we read that a certain robber had this much of good in him, that he always fasted on bread and water on the vigils of the blessed Mary, and, when he went forth to steal, he always said, "*Ave Maria*," asking her not to permit him to die in that sin. When moreover he was captured and hung, he remained there three days and could not die. When he called out to the passers by, that they should summon a priest to him, and when the priest had come and the prefect and others, he was removed from the gallows, and said that a most beautiful virgin had held him up by the feet during the three days. Promising reform, he was let go free.†

6. *THE DEVIL THWARTED BY PRAYERS TO THE VIRGIN.*

Étienne de Bourbon, No. 129. (p. 110.)

Also it is related that there was a certain knight, lord of a castle in Auvergne, whom the devil served in human form for twelve years, as he wanted to carry the knight off on account of his sins, if he should find him at any time unfortified. When this was revealed to a certain holy man, he approached the castle, saying that he wished to speak with the servants. When, moreover, the devil seeing the holy man,

† Cf. Jacques de Vitry, No. 296; Étienne de Bourbon, No. 131.

* This, with slight variations, was a familiar story, as the editor remarks. Cf. *Histoire littéraire*, Vol. XXIII, p. 75; Wright: *Latin Stories*, No. 109; and also *Cæsar of Heisterbach*, VII, 58.

wanted to run away and hide, the latter had him summoned and adjured him to say what he wanted and who he was. He replied that he was the devil and that for twelve years he had been waiting for a chance to carry off that lord; but he was not able to do so, because seven times each day the lord with bent knees was accustomed to salute the blessed Virgin, and to say the "*Pater noster*" seven times. Adjured in the name of the blessed Virgin he left the foul corpse in which he was and fled.*

II. TALES OF THE DEVIL.

1. *THE DEVIL CONFESSED THAT HE HAD ENTERED A WOMAN BECAUSE SHE HAD BEEN DELIVERED TO HIM BY HER HUSBAND.*

Cæsar of Heisterbach, Dist. V, Cap. XI. (Vol. I, p. 291.)

When our abbot was celebrating mass last year on the Mount of the Holy Saviour near Aachen, a possessed woman was brought to him after the mass. When he had read the gospel lesson concerning the Ascension over her head and at these words, "They shall lay hands on the sick and they shall recover," had placed his hand upon her head, the devil gave such a terrible roar that we were all terrified. Adjured to depart, he replied, "The Most High does not wish it yet." When asked in what manner he entered, he did not reply nor did he permit the woman to reply. Afterward she confessed that when her husband in anger said, "Go to the devil!" she felt the latter enter through her ear. Moreover that woman was from the province of Aachen and very well known.†

2. *CONCERNING GERARD, A KNIGHT, WHOM THE DEVIL CARRIED IN A MOMENT FROM THE CHURCH OF ST. THOMAS IN INDIA TO HIS OWN COUNTRY.*

Cæsar of Heisterbach, Dist. VIII. Cap. LIX. (Vol. II, pp. 131, ff.)

In a village which is called Holenbach there lived a certain knight named Gerard. His grandsons are still living, and hardly a man can be found in that village who does not know the miracle which I am going to tell about him. He loved St. Thomas the Apostle so ardently

* Cf. Jacques de Vitry, No. 223.

† Cf. Jacques de Vitry, No. 295.

and honored him so especially above the other saints that he never refused any pauper seeking alms in the name of that one. Moreover, he was accustomed to offer to the saint many private services, such as prayers, fasts and the celebration of masses.

One day, by the permission of God, the devil, the enemy of all good men, knocking at the knight's gate, in the form and dress of a pilgrim, sought hospitality in the name of St. Thomas. He was admitted with all haste and, since it was chilly and he pretended to be catching cold, Gerard gave to him his own fur cape, which was not badly worn, to cover himself with when he went to bed. When the next morning he who had seemed a pilgrim did not appear, and the cape was sought and not found, his wife in anger said to the knight, "You have often been deceived by wanderers of this kind and yet you persist in your superstition." But he replied calmly, "Do not be disturbed, St. Thomas will certainly make good this loss to us." The devil did this in order to provoke the knight to impatience on account of the loss of his cape, and to extinguish in his heart his love for the Apostle. But what the devil had prepared for his destruction redounded to the glory of the knight; by it the latter was incited the more strongly, the former was confused and punished. For after a little time Gerard wanted to go to the abode of St. Thomas, and when he was all ready to start, he broke a gold ring into two pieces before the eyes of his wife, and joining them together in her presence, gave one piece to her and kept the other himself, saying, "You ought to trust this token. Moreover, I ask you to wait five years for my return, and after that you can marry any one you please." And she promised.

He went on a very long journey and at length with great expense and very great labor reached the city of St. Thomas the Apostle. There he was saluted most courteously by the citizens and received with as great kindness as if he had been one of them and well known to them. Ascribing this favor to the blessed Apostle he entered the oratory and prayed, commending himself, his wife, and all his possessions to the saint. After this, remembering the limit fixed, and thinking that the five years ended on that very day, he groaned and said, "Alas! my wife will now marry some other man." God had delayed his journey on account of what is to follow.

When he looked around in sorrow he saw the above mentioned demon walking about in his cape. And the demon said, "Do you know me, Gerard?" He said, "No, I do not know you, but I know

the cape." The demon replied, "I am he who sought hospitality from you in the name of the Apostle; and I carried off your cape, for which I have been severely punished." And he added, "I am the devil, and I am commanded to carry you back to your own house before nightfall, because your wife has married another man and is now sitting with him at the wedding banquet." Taking him up, the devil crossed in part of a day from India to Germany, from the east to the west, and about twilight placed him in his own house without injury.

Entering his own house like a stranger, when he saw his own wife eating with her spouse, he drew near and in her sight taking out the half of the ring, he sent it to her in a cup. When she saw it, she immediately took it out and joining it to the part given to her she recognized him as her husband. Immediately jumping up she rushed to embrace him, proclaiming that he was her husband Gerard and saying good-bye to her spouse. Nevertheless, out of courtesy Gerard kept the latter with him that night.

In this as in the preceding miracle it is sufficiently evident how much the blessed Apostles love and glorify those who love them.

3. *TWO HERETICS WORKED MIRACLES BY THE AID OF THE DEVIL.*

Cæsar of Heisterbach, Dist. V, Cap. XVIII. (Vol. I, pp. 296, ff.)

Two men simply clad, but not without guile, not sheep but ravening wolves, came to Besançon, feigning the greatest piety. Moreover, they were pale and thin, they went about bare-footed and fasted daily, they did not miss a single night the matins in the cathedral, nor did they accept anything from any one except a little food. When by such hypocrisy they had attracted the attention of every one, they began to vomit forth their hidden poison and to preach to the ignorant new and unheard of heresies. In order, moreover, that the people might believe their teachings they ordered meal to be sifted on the sidewalk and walked on it without leaving a trace of a footprint. Likewise walking upon the water they could not be immersed; also, they had little huts burnt over their heads, and after those had been burnt to ashes, they came out uninjured. After this they said to the people, "If you do not believe our words, believe our miracles."

The bishop and the clergy hearing of this were greatly disturbed. And when they wished to resist those men, affirming that they were heretics

and deceivers and ministers of the devil, they escaped with difficulty from being stoned by the people. Now that bishop was a good and learned man and a native of our province. Our aged monk, Conrad, who told me these facts and who was in that city at the time, knew him well.

The bishop seeing that his words were of no avail and that the people entrusted to his charge were being subverted from the faith by the devil's agents, summoned a certain clerk that he knew, who was very well versed in necromancy, and said, "Certain men in my city are doing so and so. I ask you to find out from the devil by your art who they are, whence they come, and by what means so many and so wonderful miracles are wrought. For it is impossible that they should do wonders through divine inspiration when their teaching is so contrary to God's." The clerk said, "My lord, I have long renounced that art." The bishop replied, "You see clearly in what straits I am. I must either acquiesce in their teachings or be stoned by the people. Therefore I enjoin upon you for the remission of your sins that you obey me in this matter."

The clerk, obeying the bishop, summoned the devil, and when asked why he had called him responded, "I am sorry that I have deserted you. And because I desire to be more obedient to you in the future than in the past, I ask you to tell me who these men are, what they teach, and by what means they work so great miracles." The devil replied, "They are mine and sent by me, and they preach what I have placed in their mouths." The clerk responded, "How is it that they cannot be injured, or sunk in the water, or burned by fire?" The demon replied again, "They have under their arm-pits, sewed between the skin and the flesh, my compacts in which the homage done by them to me is written; and by virtue of these they work such miracles and can not be injured by any one." Then the clerk, "What if those should be taken away from them?" The devil replied, "Then they would be weak, just like other men." The clerk having heard this, thanked the demon, saying, "Now go, and when you are summoned by me, return."

He went to the bishop and recited these things to him in order. The latter filled with great joy summoned all the people of the city to a suitable place and said, "I am your shepherd, ye are my sheep. If those men, as you say, confirm their teaching by signs, I will follow them with you. If not, it is fitting that they should be punished and

that you should penitently return to the faith of your fathers with me." The people replied, "We have seen many signs from them." The bishop, "But I have not seen them." Why protract my words? The plan pleased the people. The heretics were summoned. The bishop was present. A fire was kindled in the midst of the city. Nevertheless, before the heretics entered it, they were secretly summoned to the bishop. He said to them, "I want to see if you have any evil about you." Hearing this they stripped quickly and said with great confidence, "Search our bodies and our garments carefully." The soldiers, truly, following the instructions of the bishop, raised their arms and noticing under the arm-pits some scars that were healed up, broke them open with their knives and extracted from them the little scrolls which had been sewed in.

Having received these the bishop went forth with the heretics to the people and, having commanded silence, cried out in a loud voice, "Now shall your prophets enter the fire, and if they are not injured I will believe in them." The wretched men trembled and said, "We are not able to enter now." Then the bishop told the people of the evil which had been detected, and showed the compacts. Then all furious hurled the devil's ministers, to be tortured with the devil in eternal flames, into the fire which had been prepared. And thus through the grace of God and the zeal of the bishop the growing heresy was extinguished and the people who had been seduced and corrupted were cleansed by penance.*

III. TALES OF RELICS.

1. *THE RELICS OF ST. MARTIN HEALED TWO BEGGARS AGAINST THEIR WILL.*

Jacques de Vitry, CXII. (p. 52.)

Moreover, although poverty and other tribulations are advantageous, yet certain ones abuse them. Accordingly we read that when the body of St. Martin was borne in procession it healed all the infirm who met it. Now there were near the church two wandering beggars, one blind, the other lame, who began to converse together and said, "See, the body of St. Martin is now being borne in procession, and if it catches us we shall be healed immediately, and no one in the future will give

* Cf. Cæsar of Heisterbach: Homil. III, p. 58.

us any alms, but we shall have to work and labor with our own hands." Then the blind man said to the lame, "Get up on my shoulders because I am strong, and you who see well can guide me." They did this; but when they wished to escape, the procession overtook them; and since, on account of the throng, they were not able to get away, they were healed against their will.

2. *CONCERNING A MERCHANT TO WHOM A HARLOT SOLD THE ARM OF ST. JOHN THE BAPTIST.*

Cæsar of Heisterbach, Dist. VIII, Cap. LIII. (Vol. II, pp. 125-26.)

Not long ago a certain merchant of our country, crossing the sea, saw the arm of St. John the Baptist in his hospital, and desired it. Knowing that the custodian of the relics was following a certain woman, and knowing that there is nothing which women of that class cannot extort from men, he approached her and said, "If you will procure for me the relics of St. John the Baptist of which your lover has the charge, I will give you a hundred and forty pounds of silver." She, craving the sum offered, refused to consent to the hospitaler until he obtained the sacred arm. This she immediately delivered to the merchant and received the promised weight of silver.

Do you perceive how great a mockery? Just as formerly the head of St. John was delivered by Herod to a lascivious girl as a reward for dancing, and by her was given to an adulterous mother, so at this time the hospitaler, no less wicked than Herod, gave the arm of the same saint to a base woman as the price of fornication, and by her it was sold to the merchant.

The latter, not consigning it to the ground like Herodias, but wrapping it in purple, fled almost to the extremities of the earth and arrived at the city of Gröningen, which is situated at the entrance to Frisia. There he built a house and, hiding the arm in one of the columns, began to grow exceedingly wealthy. One day when he was sitting in his shop, some one said to him, "The city is burning and the fire is now approaching your house." He replied, "I do not fear for my house, I have left a good guardian there." Nevertheless he arose and entered his house. When he saw the column unmoved he returned to his shop. All wondered what was the cause of so great confidence.

When questioned about the guardian of his house, he replied ambiguously; but when he realized that his fellow-citizens noted it, fearing

lest they might employ violence against him, he took out the arm and delivered it into the care of a certain hermitess. She, unable to keep the secret, told a man of her charge, and he told the citizens. They immediately took the relics and carried them to the church. When the merchant tearfully requested his relics, they replied harshly. When they asked him of what saint these were the relics, he not wishing to betray the facts said he did not know. Nevertheless in grief he deserted the city and, falling into poverty, he became very ill not long after. When he feared death, he disclosed to his confessor what the relics were and how he had obtained them.

When the citizens learned this, they made a receptacle in the form of an arm, of silver and gilt, adorned with precious stones, and placed the relics in it. I saw the same arm two years ago and it is covered with skin and flesh. I also saw there among the relics a small gold cross of Frederick the Emperor, which had been given to the above-mentioned merchant at the same time as the arm.

NOVICE: Since no one of the saints is believed to be greater than St. John the Baptist, why is it that we do not read of any miracle in his life?

MONK: So that God may show that holiness does not consist in miracles, but in right living. For after death he was illustrious by innumerable and great miracles. The aforesaid citizens, in truth, fearing for the relics of St. John, built of planks a very strong little house behind the altar, and by night they had a priest sleep in the top of it. The house was so shaken under him on the first night that he felt no slight horror. In the second night truly it struck him when asleep and hurled him onto the pavement. When one of the rulers of the city fell sick, at his request Theodoric, the priest of the church, carried the arm to his house and unwrapped it. He found the arm, as well as the purple in which it was wrapped, covered with fresh blood. He told me this with his own mouth. A priest cut off a small piece of flesh from the same arm, and when he carried it off secretly in his hand, he felt as much heat from it as if he had been carrying burning coal. Many miracles and healings indeed were wrought in that city by the same relics through the merits of St. John the Baptist.

3. *MIRACLES WROUGHT BY BRIDLE FALSELY CALLED A RELIC.*

Caesar of Heisterbach, Dist. VIII, Cap. LXX. (Vol. II, p. 140.)

A certain knight loved most ardently the above-mentioned martyr, St. Thomas of Canterbury, and sought everywhere to obtain some relic of him. When a certain wily priest, in whose house he was staying, heard of this he said to him, "I have by me a bridle which St. Thomas used for a long time, and I have often experienced its virtues." When the knight heard this, and believed it, he joyfully paid the priest the money which the latter demanded and received the bridle with great devotion.

God truly, to whom nothing is impossible, wishing to reward the faith of the knight and for the honor of his martyr, deigned to work many miracles through the same bridle. The knight seeing this founded a church in honor of the martyr and in it he placed as a relic the bridle of that most wicked priest.

IV. *TALES OF CONFESSION.*

1. *BY CONFESSION A GUILTY PRIEST ESCAPED EXPOSURE.*

Caesar of Heisterbach, Dist. III, Cap. II. (Vol. I, pp. 112-13.)

A certain soldier dwelt in a certain village with whose wife the priest of the same village committed adultery. The soldier was told that the priest was carrying on an intrigue with his wife. He, since he was a prudent man and did not readily believe the story, wished to say nothing about it to his wife or the priest, but to learn the truth more fully. But he was not without some suspicion. There happened to be in another village, not far distant from the one in which the soldier lived, a possessed person, in whom there was such a wicked demon that in the presence of bystanders she revealed sins which were not cloaked by a true confession. When the soldier learned this from common report he asked the priest, whom he suspected, to go to a certain meeting with him. And the priest promised.

When they had reached the village where the possessed one was, the priest, conscious of his guilt, began to suspect the soldier, because he was not ignorant that one possessed by so wicked a demon dwelt there. And, fearing for his life if he was betrayed by the demon, feigning some necessity, he entered a stable and throwing himself at the feet of a servant of the soldier, said, "I ask you in the name of the Lord to

hear my confession." The servant greatly terrified raised him up and heard what he had to say. After the confession had been made, the priest asked that a penance should be inflicted upon him; and the servant replied very prudently, saying, "Whatever you would enjoin upon another priest for such a crime, shall be your atonement."

And so going forth now in greater security, the priest came with the soldier to the church. There meeting the possessed one, the soldier asked, "Do you know anything about me?" For he did this on purpose to take away any suspicion that the priest might have. When the demon made some reply to him which I do not know, he added, "What do you know about that master?" The demon replied, "I know nothing about that one." And after he had said this in German, he immediately added in Latin, "He was justified in the stable." No clerk was present at the time.

NOVICE: I am sure that the devil did not speak Latin of his own free will at that time.

MONK: He was not allowed to speak German, lest the knight should understand what he said and learn the truth; and he was not permitted to be silent, in order that he might show to the priest the virtue of confession.

NOVICE: Great is the virtue of confession which blotted out the crime of adultery from the devil's memory and liberated a man from imminent peril.

MONK: I heard also the fruit of this confession. The priest, not unmindful of the benefit conferred upon him, deserted the world and became a monk in a certain monastery of our order. He is believed to be still living, as I have learned from a certain abbot of the Cistercian order.

NOVICE: The prophecy of that impudent demon was the cause of great salvation for him.*

2. *THROUGH CONFESSION THE DEVIL'S RECORD BLOTTED OUT.*

Étienne de Bourbon, No. 176. (pp. 155-156.)

The manifold inconveniences and losses which our enemies suffer from the confession of our sins ought to incite us to confession. . . . It destroys the devil's records. And note how, when a certain clerk was leading a most holy life so that the devil envied him, the devil by

* Cf. Cæsar of Heisterbach, III, 3; Jacques de Vitry, No. 261.

tempting the clerk caused him to fall into grievous sin. When moreover the devil wished to confound him, and having assumed human form had accused him before his bishop, and a day had been fixed on which the devil was to prove his charges, by bringing before the judge his accounts in which were recorded the place, the time, and the persons to whose knowledge the clerk had sinned, the latter, seeing that he was in hard straits, confessed all, grieving and purposing not to return to sin. When moreover they were in the presence of the judge and the devil said he had much against the clerk which he could prove by writing and witnesses, he unrolled his records and found all that had been in them erased. He said, "All that I had against this man was certainly written here this very day and I do not know who has destroyed it all." Having thus spoken, he vanished. The clerk, moreover, narrated all of these things to the bishop, in the secrecy of confession.*

3. *THROUGH CONFESSION A FORGOTTEN PRAYER ERASED FROM THE DEVIL'S BOOK.*

Étienne de Bourbon, No. 177. (p. 156.)

Also it is related that when a certain holy father was at one time engaged with the brethren in some work and had forgotten, on account of his occupation, to say the none at the right time, he saw the devil passing before him, bearing on his shoulders a very large book in the shape of a roll which looked as large as a tower. He adjured the devil in the name of the Lord to drop that book, and when he unrolled the book, he found written on one page that he himself had not said the none on the day and at the hour when he ought to have said it. Moreover, prostrating himself at once at the feet of his companions, he confessed his negligence, and immediately looking again in the devil's roll, he found that what had been written there before was erased, and thereby he knew the efficacy of confession.

4. *A HERETIC HEALED BY CONFESSION RELAPSED AND WAS BURNT.*

Cæsar of Heisterbach, Dist. III, Cap. XVII. (Vol. I, pp. 133-34.)

In the same city, namely Argentina which is Strassburg, ten heretics were seized. When they denied their guilt, they were convicted by the ordeal of red-hot iron and were condemned to be burnt. When

* Cf. Cæsar of Heisterbach, II, 10; XI, 38; Jacques de Vitry, No. 301.

on the appointed day they were being led to the fire, one of the attendants said to one of them, "Wretched one, you are condemned. Now do penance and confess your sins, lest after the burning of the body, which is only momentary, hell-fire burns your soul eternally." When the man replied, "I certainly think that I have been mistaken, but I fear repentance in so great straits is by no means acceptable to God." The former replied, "Only confess from your heart. God is merciful and will receive the penitent."

Wonderful fact! For as soon as the man confessed his perfidy, his hand was fully healed. While he delayed in confession, the judge summoned him to the punishment. His confessor replied to the judge, "It is not just that an innocent man should be condemned unjustly." Since no trace of a burn was found on his hand, he was dismissed.

The man had a wife living not far from the city entirely ignorant of these things which have been related. When he came to her rejoicing and said, "Blessed be God who has liberated me to-day from the destruction of body and soul!" and explained to her the cause; she replied, "What have you done, most wretched man, what have you done? Why have you withdrawn from your holy and sacred faith from fear of momentary pain? You ought rather, if it were possible, to expose your body a hundred times to the flames than once to withdraw from a faith so well proven."

Whom does not the voice of the serpent seduce? That man, unmindful of the favor divinely conferred upon him, unmindful of the so manifest miracle, followed his wife's advice and returned to his former error. God, not unmindful truly of the crime, in return for so great ingratitude, tortured the hand of each one. The burn was renewed in the hand of the heretic and, because his wife was the cause of his returning to his error, she was made his companion in the renewed pain. So vehement was the burn that it penetrated to the bones. And since they did not dare in the village to utter the cries which the violence of the pain extorted, they fled into the nearest woods, howling there like wolves. Why protract my words? They were betrayed, led back to the city, and together cast into the fire, which was not yet fully extinguished, and were burnt to ashes.

NOVICE: "They were justly punished." *

* Cf. *Cæsar of Heisterbach*, III, 16.

V. *TALES OF THE HOST.*1. *CHRIST SEEN IN THE HANDS OF A PRIEST.*

Cæsar of Heisterbach, Dist. IX, Cap. XXVIII. (Vol. II, p. 186.)

In Himmerode an aged priest, Henry by name, died a few years ago. He was a holy and just man, and had been for very many years sacristan in that monastery. When he was reading the mass one day at the altar of St. John the Baptist, in the choir of the lay-brethren, a certain one of the lay-brethren standing near, saw, in the hands of the priest, the Saviour in the form of a man. Nevertheless the priest himself did not see it. This was told to me by one of the elders in that convent.

2. *WOMAN PUNISHED FOR SCATTERING THE HOST UPON HER VEGETABLES.*

Cæsar of Heisterbach, Dist. IX, Cap. IX. (Vol. II, pp. 173-74.)

On the same island a maiden, not a nun, whom I saw there, was possessed. When the devil was asked by a priest why he had so long and so cruelly tortured Hartdyfa de Cogheme, he replied through the mouth of the girl. "Why? She has most certainly deserved it. She scattered the Most High upon her vegetables."

Since he did not at all understand the saying and the devil was unwilling to explain, the priest went to the woman and told her what the devil had said about her, advising her not to deny if she understood. She immediately confessed her guilt, saying, "I understand the saying well, although I have never told any man of it. When I was a young girl and had a garden to cultivate, I received a wandering woman as a guest one night. When I told her of the losses in my garden, saying that all the vegetables were being devoured by caterpillars, she replied, 'I will tell you a good remedy. Receive the body of the Lord, break it in pieces, scatter it over your vegetables, and the plague will cease at once.' I, wretched one! who cared more for my garden than for the sacrament, when I had received the body of our Lord at Easter, took it out of my mouth and did with it as I had been taught. What I had intended as a remedy for my vegetables, became a source of torment to me, as the devil is my witness."

NOVICE: This woman was more cruel than the attendants of Pilate, who spared Jesus after His death and did not break His bones.

MONK : Therefore, up to the present day she atones for that heinous sin and suffers unheard-of tortures. Let those who employ the divine sacrament for temporal gain, or what is more execrable, for evil-doing, give heed to this punishment, even if they do not consider the sinfulness. Also if vermin neglect the reverence due to this sacrament, they sometimes suffer punishment.*

3. *A CHURCH BUILT FOR THE HOST BY BEES.*

Étienne de Bourbon, No. 317. (pp. 266-67.)

For I have heard that a certain rustic, wishing to become wealthy and having many hives of bees, asked certain evil men how he could get rich and increase the number of his bees. He was told by some one that if he should retain the sacred communion on Easter and place it in one of his hives, he would entice away all of his neighbor's bees, which leaving their own hives, would come to the place where the body of our Lord was and there would make honey. He did this.

Then all the bees came to the hive where the body of Christ was, and just as if they had felt compassion for the irreverence done to it, by their labor they began to construct a little church and to erect foundations and bases and columns and an altar with like labor, and with the greatest reverence they placed the body of our Lord upon the altar. And within that little bee-hive they formed that little church with wonderful and the most beautiful workmanship. The bees of the vicinity leaving their hives came together at that one; and over that structure they sang in their own manner certain wonderful melodies like hymns.

The rustic hearing this, wondered. But waiting until the fitting time for collecting the swarm of bees and the honey-comb, he found nothing in his hives in which the bees had been accustomed to make honey; finding himself impoverished through the means by which he had believed that he would be enriched, he went to that one where he had placed the host, where he saw the bees had come together. But when he approached, just as if they had wanted to vindicate the insult to our Saviour, the bees rushed upon the rustic and stung him so severely that he escaped with difficulty, and suffering greatly. Going to the priest he related all that he had done and what the bees had done. The

* Cf. Jacques de Vitry, No. 270.

priest, by the advice of his bishop, collected his parishioners and went in procession to the place. Then the bees, leaving the hive, rose in the air, making sweet melody. Raising the hive they found within the noble structure of that little church and the body of our Lord placed upon the altar. Then returning thanks they bore to their own church that little church of the bees constructed with such skill and elegance and with praises placed it on the altar.

By this deed those who do not reverence but offer insult instead to the sacred body of Christ or the sacred place where it is, ought to be put to great confusion.*

* Cf. Cæsar of Heisterbach, IX, 8; and see Crane: *Exempla*, p. lxxxviii.

TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II.

ENGLAND IN THE TIME OF WYCLIFFE.

No. 5.

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I. THE BLACK DEATH.

Contemporary accounts of the great pestilence of 1348-9 are surprisingly few. Several of the chronicles close shortly before that date, and others seem to have been suspended during the period of confusion attendant upon it. Its extent and effects are, however, discoverable from a large mass of ecclesiastical and manorial records and from the appearance on the Statute-book of the Statutes of Laborers. The document (3) printed below is not properly a law, but a royal ordinance, issued apparently in the summer of 1349, while the plague was still raging. It was transformed into a law, with closer definition of the rate of wages, at the first subsequent meeting of Parliament, in 1351; (25 Ed. iii. Stat. 2.) This law was frequently reenacted in various forms until it came to be embraced in the great Statute of Apprentices;

(5 Eliz. c. 4.) There are some inconsistencies in the address of the document, as it has been preserved, but in the form here adopted it seems to have been issued to all the sheriffs and the officials of large towns, with instructions for its immediate proclamation.

I. WALSINGHAM'S ACCOUNT.

Historia Anglicana, I, 273, Rolls Series. Latin.

In the year of grace 1349, which was the twenty-third year of king Edward, the third since the Conquest, a great mortality of mankind advanced over the world; beginning in the regions of the north and east, and ending with so great a destruction that scarcely half of the people remained. Then towns once full of men became destitute of inhabitants; and so violently did the pestilence increase that the living were scarce able to bury the dead. Indeed, in certain houses of men of religion, scarcely two out of twenty men survived. It was estimated by many that hardly a tenth part of mankind had been left alive. A murrain among animals followed immediately upon this pestilence; then rents ceased; then the land, because of the lack of tenants, who where nowhere to be found, remained uncultivated. So great misery followed from these evils that the world was never afterward able to return to its former state.

2. ROBERT OF AVESBURY'S ACCOUNT.

Chronicle, A. D. 1348-9, pp. 406, 407, Rolls Series. Latin.

The pestilence which had first broken out in the land occupied by the Saracens became so much stronger that, sparing no dominion, it visited with the scourge of sudden death the various parts of all the kingdoms, extending from that land to the northward, including even Scotland, destroying the greater part of the people. For it began in England in Dorsetshire, about the feast of St. Peter, called *ad vincula*, in the year of the Lord 1348, and immediately advancing from place to place it attacked men without warning and for the most part those who were healthy. Very many of those who were attacked in the morning it carried out of human affairs before noon. And no one whom it willed to die did it permit to live longer than three or four days. There was moreover no choice of persons, with the exception, at least, of a few rich people. In the same day twenty, forty or sixty corpses, and indeed many times as many more bodies of those who had died, were delivered to church burial in the same pit at the same time. And about the feast

of All Saints, reaching London, it deprived many of their life daily, and increased to so great an extent that from the feast of the Purification till after Easter there were more than two hundred bodies of those who had died buried daily in the cemetery which had been then recently made near Smithfield, besides the bodies which were in other graveyards of the same city. The grace of the Holy Spirit finally intervening, that is to say about the feast of Whitsunday, it ceased at London, proceeding continuously northward. In these parts also it ceased about the feast of St. Michael, in the year of the Lord 1349.

3. THE KING'S PROCLAMATION CONCERNING LABORERS.

Statutes of the Realm, I, 307, 308. Latin.

The king to the sheriff of Kent, greeting. Because a great part of the people, and especially of workmen and servants, have lately died in the pestilence, many seeing the necessities of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and others preferring to beg in idleness rather than by labor to get their living; we, considering the grievous incommodities which of the lack especially of ploughmen and such laborers may hereafter come, have upon deliberation and treaty with the prelates and the nobles and learned men assisting us, with their unanimous counsel ordained:

That every man and woman of our realm of England, of what condition he be, free or bond, able in body, and within the age of sixty years, not living in merchandize, nor exercising any craft, nor having of his own whereof he may live, nor land of his own about whose tillage he may occupy himself, and not serving any other; if he be required to serve in suitable service, his estate considered, he shall be bound to serve him which shall so require him; and take only the wages, livery, meed, or salary which were accustomed to be given in the places where he oweth to serve, the twentieth year of our reign of England, or five or six other common years next before. Provided always, that the lords be preferred before others in their bondmen or their land tenants, so in their service to be retained; so that, nevertheless, the said lords shall retain no more than be necessary for them. And if any such man or woman being so required to serve will not do the same, and that be proved by two true men before the sheriff, bailiff, lord, or constable of the town where the same shall happen to be done, he shall immediately be taken by them or any of them, and committed to the next gaol, there to

remain under strait keeping, till he find surety to serve in the form aforesaid

If any reaper, mower, other workman or servant, of what estate or condition he be, retained in any man's service, do depart from the said service without reasonable cause or license, before the term agreed, he shall have pain of imprisonment; and no one, under the same penalty, shall presume to receive or retain such a one in his service.

No one, moreover, shall pay or promise to pay to any one more wages, liveries, meed, or salary than was accustomed, as is before said; nor shall any one in any other manner demand or receive them, upon pain of doubling of that which shall have been so paid, promised, required or received, to him who thereof shall feel himself aggrieved; and if none such will sue, then the same shall be applied to any of the people that will sue; and such suit shall be in the court of the lord of the place where such case shall happen.

And if lords of towns or manors presume in any point to come against this present ordinance, either by them or by their servants, then suit shall be made against them in the form aforesaid, in the counties, wapentakes, and trithings, or such other courts of ours, for the penalty of treble that so paid or promised by them or their servants. And if any before this present ordinance hath covenanted with any so to serve for more wages, he shall not be bound, by reason of the said covenant, to pay more than at another time was wont to be paid to such a person; nor, under the same penalty, shall presume to pay more.

Item. Saddlers, skinners, white tawyers, cordwainers, tailors, smiths, carpenters, masons, tilers, shipwrights, carters, and all other artificers and workmen, shall not take for their labor and workmanship above the same that was wont to be paid to such persons the said twentieth year, and other common years next preceding, as before is said, in the place where they shall happen to work; and if any man take more he shall be committed to the next gaol, in manner as before is said.

Item. That butchers, fishmongers, hostlers, brewers, bakers, poulterers, and all other sellers of all manner of victuals, shall be bound to sell the same victuals for a reasonable price, having respect to the price that such victuals be sold at in the places adjoining, so that the same sellers have moderate gains, and not excessive, reasonably to be required according to the distance of the place from which the said victuals be carried; and if any sell such victuals in any other manner, and thereof be convicted, in the manner and form aforesaid, he shall pay the double of the same that he so received to the party injured, or in default of him,

to any other that will sue in this behalf. And the mayors and bailiffs of cities, boroughs, merchant towns, and others, and of the ports and maritime places, shall have power to inquire of all and singular, which shall in any thing offend against this, and to levy the said penalty to the use of them at whose suit such offenders shall be convicted. And in case the same mayors and bailiffs be negligent in doing execution of the premises, and thereof be convicted before our justices, by us to be assigned, then the same mayors and bailiffs shall be compelled by the same justices to pay the treble of the thing so sold to the party injured, or in default of him, to any other that will sue; and nevertheless they shall be grievously punished on our part.

And because many strong beggars, as long as they may live by begging, do refuse to labor, giving themselves to idleness and vice, and sometimes to theft and other abominations; none upon the said pain of imprisonment, shall, under the color of pity or alms, give anything to such, who are able to labor, or presume to favor them in their idleness, so that thereby they may be compelled to labor for their necessary living.

II. STATUTES OF PROVISORS AND PRÆMUNIRE.

A consistent effort was made by the Popes, from the latter part of the thirteenth century to the middle of the fifteenth, to gain an increased control over ecclesiastical patronage in England. Not only was the old right of appointment in various irregular cases extended, but the system of papal reservations was developed. The Pope formally reserved to himself the future appointment to certain benefices when they should become vacant. In the meantime he appointed some one to the future vacancy by giving him letters which were made public only when the actual incumbent died. Provision was thus made for an occupant of the benefice, and, by a curious misuse of the termination, such persons, appointed beforehand by the Pope, were called "provisors of benefices." Suits in regard to such appointments seem to have brought up the question of the limits of papal jurisdiction in England, which was the subject of the Statutes of Præmunire, as that of patronage was the subject of the Statutes of Provisors. It is not possible to dissociate entirely in the laws the limitation of papal patronage and the restriction of papal jurisdiction, the two terms mentioned above being often used almost interchangeably. The Statutes of Provisors and of Præmunire are as follows: 35 Ed. I; 25 Ed. III, Stat. 4; 25 Ed. III, Stat. 5. c. 22; 27 Ed. III, c. 1; 38 Ed. III, Stat. 2; 3 Rich. II, c. 3; 7 Rich. II, c. 12; 12 Rich. II, c. 15; and 16 Rich. II, c. 5. The following are given as typical. The second document, the Statute of Præmunire of 1393, was the first to become really effective.

I. STATUTE OF PROVISOIRS OF 1352.

25 Ed. III, Stat. 5, c. 22. Statutes of the Realm, I, 323, 324. Latin.

Because that some do purchase in the court of Rome provisions to have abbeyes and priories in England, in destruction of the realm, and of holy religion; it is accorded, that every man that purchaseth such provisions of abbeyes or priories, that he and his executors and procurators which do sue and make execution of such provisions, shall be out of the king's protection; and that a man may do with them as of enemies of our sovereign lord the king and his realm; and he that offendeth against such provisors in body or in goods, or in other possessions, shall be excused against all people, and shall never be impeached nor grieved for the same at any man's suit.

2. STATUTE OF PRÆMUNIRE OF 1393.

16 Rich. II, c. 5, Statutes of the Realm, II, 84. Latin.

Whereas, the Commons of the realm in this present Parliament have showed to our redoubted lord the king, grievously complaining, that whereas the said our lord the king and all his liege people ought of right and of old time were wont to sue in the king's court, to recover their presentments to churches, prebends, and other benefices of holy church to the which they had right to present, the cognisance of plea of which suit belongeth only to the king's court of the old right of his crown, used and approved in the time of all his progenitors, kings of England; and when judgment shall be given in the same court upon such a plea and suit, the archbishops, bishops, and other spiritual persons which have institution of such benefices within their jurisdiction be bound, and have made execution of such judgments by the king's commandments, for all the time aforesaid without interruption, (for another, a lay person, is not able to make such execution), and also be bound of right to make execution of many other of the king's commandments, of which right the crown of England hath been peaceably seized, as well in the time of our said lord the king that now is, as in the time of all his progenitors till this day.

But now of late divers processes be made by the holy father the Pope, and censures of excommunication upon certain bishops of England, because they had made execution of such commandments, to the open disherison of the same crown and destruction of the regality of our said

lord the king, his law, and all his realm, if remedy be not provided. And also it is said and a common clamor is made that the said holy father, the Pope, hath ordained and purposed to translate some prelates of the same realm, some out of the realm, and some from one bishopric into another within the same realm, without the king's assent and knowledge, and without the assent of the prelates which are to be so translated, which prelates be much profitable and necessary to our said lord the king, and to all his realm; by which translations, if they should be suffered, the statutes of the realm should be defeated and made void; and his said liege sages of his council, without his assent and against his will carried away and gotten out of his realm and the substance and treasure of the realm should be carried away, and so the realm destitute as well of council as of substance, to the final destruction of the same realm. So the crown of England which hath been so free at all times that it hath had no earthly sovereign, but is immediately subject to God in all things touching the regalty of the same crown, and to none other, would be submitted to the Pope, and the laws and statutes of the realm by him defeated and avoided at his will, in perpetual destruction of the sovereignty of the king our lord, his crown, his regalty, and of all his realm, which God forbid.

And moreover, the Commons aforesaid say, that the things so attempted be clearly against the king's crown and his regalty, used and approved in the time of all his progenitors; wherefore, they and all the liege commons of the same realm will stand with our said lord the king, and his said crown and his regalty, in the cases aforesaid, and in all other cases attempted against him his crown and his regalty in all points, to live and to die; and moreover, they pray the king and require him, by way of justice, that he would examine all the lords in the Parliament, as well spiritual as temporal severally, and all the estates of the Parliament, how they think of the cases aforesaid, which be so openly against the king's crown, and in derogation of his regalty, and how they will stand in the same cases with our lord the king in upholding the rights of the said crown and regalty.

Wherefore, the lords temporal so demanded have answered every one by himself, that the cases aforesaid be clearly in derogation of the king's crown and of his regalty, as is well known, and hath been of a long time known, and that they will be with the same crown and regalty, in these cases specially, and in all other cases which shall be attempted against the same crown and regalty in all points, with all their power.

And, moreover, there was demanded of the lords spiritual being there and the procurators of others, being absent, their advice and will in all these cases; which lords, that is to say, the archbishops, bishops, and other prelates, being in the said Parliament severally examined, (making protestations that it is not their intention to say nor to affirm that our holy father the Pope may not excommunicate bishops and that he may not make translations of prelates according to the law of holy church;) answered and said, that if any executions of processes made in the king's court, as before, be made by any, and censures of excommunications be made against any bishops of England, or any other of the king's liege people, for that they have made execution of such commandments, and that if any executions of such translations be made of any prelates of the same realm, which lords be very profitable and necessary to our said lord the king, and to his said realm, or that his sage lieges of his council, without his assent and against his will, be removed and carried out of the realm, so that the substance and treasure of the realm may be consumed, that the same is against the king and his crown, as is contained in the petition before named. And likewise the same procurators, every one by himself examined upon the said matters, have answered and said, in the name and for their lords, as the said bishops have said and answered; and that the said lords spiritual will and ought to stand with the king in these cases loyally in maintenance of his crown, and in all other cases touching his crown and regalty, as they are bound by their allegiance.

Whereupon, our said lord the king, by the assent aforesaid, and at the request of his said Commons, hath ordained and established; that if anyone purchases or pursues or causes to be purchased or pursued in the court of Rome or elsewhere any such translations, processes, and sentences of excommunications, bills, instruments, or any other thing whatsoever which touches the king our lord, against him, his crown and regalty, or his realm, as before is said, and those who bring them within the realm, or receive them, or make thereof notification, or any other execution whatsoever, within the same realm or without; that they, their notaries, procurators, maintainers, abettors, favorers, and counsellors, shall be put out of the protection of our said lord the king, and their lands and tenements, goods and chattels, shall be forfeited to our lord the king; and that they shall be attached by their bodies, if they may be found, and brought before the king and his council, there to answer to the cases aforesaid, or that process be made against them

by *præmunire facias*, in manner as it is ordained in other statutes of provisors and others who sue in the court of another, in derogation of the regalty of our lord the king.

II. WYCLIFFE AND THE LOLLARDS.

Of the three forms of the movement for church reform in the last half of the fourteenth century, the attack on the unworthy lives of the clergy, the introduction of new doctrine, and the propaganda for a more devout life among the laity through the institution of the "poor priests," and the translation of the Bible; the last two only are here represented. The teachings of Wycliffe were certainly in conflict with much of the teaching and with more of the practice of the catholic church. If the doctrines here attributed to him were not exactly his, as he claimed, yet their general conformity to his views is unquestionable. The statute of 1401, usually described as "*de heretico cumburendo*," was an amplification of a statute against unauthorized preachers, passed in 1382. It gave the first statute authority for the infliction of the death penalty for heresy, though heretics had been burned before this under the common law.

I. WYCLIFFITE CONCLUSIONS, TEN CONDEMNED AS HERETICAL AND FOURTEEN AS ERRONEOUS.

Fasciculi Zizaniorum, pp. 277-282. Rolls Series. Latin.

I.—That the material substance of bread and of wine remains, after the consecration, in the sacrament of the altar.

II.—That the accidents do not remain without the subject, after the consecration, in the same sacrament.

III.—That Christ is not in the sacrament of the altar identically, truly and really in his proper corporal presence.

IV.—That if a bishop or priest lives in mortal sin he does not ordain, or consecrate, or baptize.

V.—That if a man has been truly repentant, all external confession is superfluous to him, or useless.

VI.—Continually to assert that it is not founded in the gospel that Christ instituted the mass.

VII.—That God ought to be obedient to the devil.

VIII.—That if the pope is foreordained to destruction and a wicked man, and therefore a member of the devil, no power has been given to him over the faithful of Christ by any one, unless perhaps by the Emperor.

IX.—That since Urban the Sixth, no one is to be acknowledged as pope; but all are to live, in the way of the Greeks, under their own laws.

X.—To assert that it is against sacred scripture that men of the church should have temporal possessions.

XI.—That no prelate ought to excommunicate any one unless he first knows that the man is excommunicated by God.

XII.—That a person thus excommunicating is thereby a heretic or excommunicate.

XIII.—That a prelate excommunicating a clerk who has appealed to the king, or to a council of the kingdom, on that very account is a traitor to God, the king and the kingdom.

XIV.—That those who neglect to preach, or to hear the word of God, or the gospel that is preached, because of the excommunication of men, are excommunicate, and in the day of judgment will be considered as traitors to God.

XV.—To assert that it is allowed to any one, whether a deacon or a priest, to preach the word of God, without the authority of the apostolic see, or of a catholic bishop, or some other which is sufficiently acknowledged.

XVI.—To assert that no one is a civil lord, no one is a bishop, no one is a prelate, so long as he is in mortal sin.

XVII.—That temporal lords may, at their own judgment, take away temporal goods from churchmen who are habitually delinquent; or that the people may, at their own judgment, correct delinquent lords.

XVIII.—That tithes are purely charity, and that parishioners may, on account of the sins of their curates, detain these and confer them on others at their will.

XIX.—That special prayers applied to one person by prelates or religious persons, are of no more value to the same person than general prayers for others in a like position are to him.

XX.—That the very fact that any one enters upon any private religion whatever, renders him more unfitted and more incapable of observing the commandments of God.

XXI.—That saints who have instituted any private religions whatever, as well of those having possessions as of mendicants, have sinned in thus instituting them.

XXII.—That religious persons living in private religions are not of the Christian religion.

XXIII.—That friars should be required to gain their living by the labor of their hands and not by mendicancy.

XXIV.—That a person giving alms to friars, or to a preaching friar, is excommunicate ; also the one receiving.

2. BULL OF POPE GREGORY XI, AGAINST JOHN WYCLIFFE.

Fasciculi Zizaniorum ; pp. 242-244. Rolls Series. Latin.

Gregory, bishop, servant of the servants of God, to his beloved sons the chancellor and University of Oxford, in the diocese of Lincoln, grace and apostolic benediction.

We are compelled to wonder and grieve that you, who, in consideration of the favors and privileges conceded to your university of Oxford by the apostolic see, and on account of your familiarity with the Scriptures, in whose sea you navigate, by the gift of God, with auspicious oar, you, who ought to be, as it were, warriors and champions of the orthodox faith, without which there is no salvation of souls, —that you through a certain sloth and neglect allow tares to spring up amidst the pure wheat in the fields of your glorious university aforesaid ; and what is still more pernicious, even continue to grow to maturity. And you are quite careless, as has been lately reported to us, as to the extirpation of these tares ; with no little clouding of a bright name, danger to your souls, contempt of the Roman church, and injury to the faith above mentioned. And what pains us the more is that this increase of the tares aforesaid is known in Rome before the remedy of extirpation has been applied in England where they sprang up. By the insinuation of many, if they are indeed worthy of belief, deploring it deeply, it has come to our ears that John de Wycliffe, rector of the church of Lutterworth, in the diocese of Lincoln, Professor of the Sacred Scriptures, (would that he were not also Master of Errors,) has fallen into such a detestable madness that he does not hesitate to dogmatize and publicly preach, or rather vomit forth from the recesses of his breast certain propositions and conclusions which are erroneous and false. He has cast himself also into the depravity of preaching heretical dogmas which strive to subvert and weaken the state of the whole church and even secular polity, some of which doctrines, in

changed terms, it is true, seem to express the perverse opinions and unlearned learning of Marsilio of Padua of cursed memory, and of John of Jandun, whose book is extant, rejected and cursed by our predecessor, Pope John XXII, of happy memory. This he has done in the kingdom of England, lately glorious in its power and in the abundance of its resources, but more glorious still in the glistening piety of its faith, and in the distinction of its sacred learning; producing also many men illustrious for their exact knowledge of the holy Scriptures, mature in the gravity of their character, conspicuous in devotion, defenders of the catholic church. He has polluted certain of the faithful of Christ by besprinkling them with these doctrines, and led them away from the right paths of the aforesaid faith to the brink of perdition.

Wherefore, since we are not willing, nay, indeed, ought not to be willing, that so deadly a pestilence should continue to exist with our connivance, a pestilence which, if it is not opposed in its beginnings, and torn out by the roots in its entirety, will be reached too late by medicines when it has infected very many with its contagion; we command your university with strict admonition, by the apostolic authority, in virtue of your sacred obedience, and under penalty of the deprivation of all the favors, indulgences, and privileges granted to you and your university by the said see, for the future not to permit to be asserted or set forth to any extent whatever, the opinions, conclusions, and propositions which are in variance with good morals and faith, even when those setting them forth strive to defend them under a certain fanciful wresting of words or of terms. Moreover, you are on our authority to arrest the said John, or cause him to be arrested and to send him under a trustworthy guard to our venerable brother, the Archbishop of Canterbury, and the Bishop of London, or to one of them.

Besides, if there should be, which God forbid, in your university, subject to your jurisdiction, opponents stained with these errors, and if they should obstinately persist in them, proceed vigorously and earnestly to a similar arrest and removal of them, and otherwise as shall seem good to you. Be vigilant to repair your negligence which you have hitherto shown in the premises, and so obtain our gratitude and favor, and that of the said see, besides the honor and reward of the divine recompense.

Given at Rome, at Santa Maria Maggiore, on the 31st of May, the sixth year of our pontificate.

3. REPLY OF WYCLIFFE TO HIS SUMMONS BY THE POPE TO COME
TO ROME, 1384.

Arnold's Select Eng. Works of Wycliff, III, 504-6, English, modernized in spelling.

I have joy fully to tell what I hold, to all true men that believe and especially to the Pope; for I suppose that if my faith be rightful and given of God, the Pope will gladly confirm it; and if my faith be error, the Pope will wisely amend it.

I suppose over this that the gospel of Christ be heart of the corps of God's law; for I believe that Jesus Christ, that gave in his own person this gospel, is very God and very man, and by this heart passes all other laws.

I suppose over this that the Pope be most obliged to the keeping of the gospel among all men that live here; for the Pope is highest vicar that Christ has here in earth. For moreness of Christ's vicar is not measured by worldly moreness, but by this, that this vicar follows more Christ by virtuous living; for thus teacheth the gospel, that this is the sentence of Christ.

And of this gospel I take as believe, that Christ for time that he walked here, was most poor man of all, both in spirit and in having; for Christ says that he had nought for to rest his head on. And Paul says that he was made needy for our love. And more poor might no man be. neither bodily nor in spirit. And thus Christ put from him all manner of worldly lordship. For the gospel of John telleth that when they would have made Christ king, he fled and hid him from them, for he would none such worldly highness.

And over this I take it as believe, that no man should follow the Pope, nor no saint that now is in heaven, but in as much as he follows Christ. For John and James erred when they coveted worldly highness; and Peter and Paul sinned also when they denied and blasphemed in Christ; but men should not follow them in this, for then they went from Jesus Christ. And this I take as wholesome counsel, that the Pope leave his worldly lordship to worldly lords, as Christ gave them,—and move speedily all his clerks to do so. For thus did Christ, and taught thus his disciples, till the fiend had blinded this world. And it seems to some men that clerks that dwell lastingly in this error against God's law, and flee to follows Christ in this, been open heretics, and their fautors been partners.

And if I err in this sentence, I will meekly be amended, yea, by the death, if it be skilful, for that I hope were good to me. And if I

might travel in mine own person, I would with good will go to the Pope. But God has needed me to the contrary, and taught me more obedience to God than to men. And I suppose of our Pope that he will not be Antichrist, and reverse Christ in this working, to the contrary of Christ's will ; for if he summon against reason, by him or by any of his, and pursue this unskilful summoning, he is an open Antichrist. And merciful intent excused not Peter, that Christ should not clepe him Satan ; so blind intent and wicked counsel excuses not the Pope here ; but if he ask of true priests that they travel more than they may, he is not excused by reason of God, that he should not be Antichrist. For our belief teaches us that our blessed God suffers us not to be tempted more than we may ; how should a man ask such service ? And therefore pray we to God for our pope Urban the sixth, that his old holy intent be not quenched by his enemies. And Christ, that may not lie, says that the enemies of a man been especially his home family ; and this is sooth of men and fiends.

4. LAW AGAINST THE LOLLARDS.

2 Henry IV., c. 15, Statutes of the Realm, II, 125-128. Latin.

Whereas, it is shown to our sovereign lord the king on the behalf of the prelates and clergy of his realm of England in this present Parliament, that although the catholic faith builded upon Christ, and by his apostles and the holy church sufficiently determined, declared and approved, hath been hitherto by good and holy and most noble progenitors and predecessors of our sovereign lord the king in the said realm amongst all the realms of the world most devoutly observed, and the church of England by his said most noble progenitors and ancestors, to the honor of God and the whole realm aforesaid laudably endowed and in her rights and liberties sustained, without that the same faith or the said church was hurt or grievously oppressed, or else perturbed by any perverse doctrine or wicked, heretical, or erroneous opinions. Yet, nevertheless, divers false and perverse people of a certain new sect, of the faith of the sacraments of the church, and the authority of the same damnably thinking, and against the law of God and of the church usurping the office of preaching, do perversely and maliciously in divers places within the said realm, under the color of dissembled holiness, preach and teach these days openly and privily divers new doctrines, and wicked heretical and erroneous opinions contrary to the same faith and blessed determinations of the holy

church, and of such sect and wicked doctrine and opinions they make unlawful conventicles and confederacies, they hold and exercise schools, they make and write books, they do wickedly instruct and inform people, and as much as they may excite and stir them to sedition and insurrection, and make great strife and division among the people, and other enormities horrible to be heard daily do perpetrate and commit, in subversion of the said catholic faith and doctrine of the holy church, in diminution of divine worship, and also in destruction of the estate, rights, and liberties of the said church of England; by which sect and wicked and false preachings, doctrines, and opinions of the said false and perverse people, not only most greatest peril of the souls, but also many more other hurts, slanders, and perils, which God prohibit, might come to this realm, unless it be the more plentifully and speedily holpen by the king's majesty in this behalf; especially since the diocesans of the said realm cannot by their jurisdiction spiritual, without aid of the said royal majesty, sufficiently correct the said false and perverse people, nor refrain their malice, because the said false and perverse people do go from diocese to diocese and will not appear before the said diocesans, but the same diocesans and their jurisdiction spiritual, and the keys of the church with the censures of the same, do utterly condemn and despise; and so their wicked preachings and doctrines do from day to day continue and exercise to the utter destruction of all order and rule of right and reason. Upon which novelties and excesses above rehearsed, the prelates and clergy aforesaid, and also the Commons of the said realm being in the same Parliament, have prayed our sovereign lord the king that his royal highness would vouchsafe in the said Parliament to provide a convenient remedy. The same our sovereign lord the king, graciously considering the premises, and also the laudable steps of his said most noble progenitors and ancestors, for the conservation of the said catholic faith and sustentation of the said divine worship, and also the safeguard of the estate, rights and liberties of the said church of England, to the laud of God and merit of our said sovereign lord the king, and prosperity and honor of all his said realm, and for the eschewing of such dissensions, divisions, hurts, slanders, and perils, in time to come, and that this wicked sect, preachings, doctrines, and opinions, should from henceforth cease and be utterly destroyed; by the assent of the great lords and other noble persons of the said realm, being in the said Parliament, hath granted, stablished, and ordained, from henceforth firmly to be observed, that none within the said realm, or any other dominions subject to his royal majesty, presume to preach

openly or privily, without the license of the diocesan of the same place first required and obtained, curates in their own churches and persons hitherto privileged, and other of the canon law granted, only excepted; nor that none from henceforth anything preach, hold, teach, or instruct openly or privily, or make or write any book contrary to the catholic faith or determination of the holy church, nor of such sect and wicked doctrines and opinions shall make any conventicles, or in any wise hold or exercise schools; and also that none from henceforth in any wise favor such preacher or maker of any such and like conventicles, or persons holding or exercising schools, or making or writing such books, or so teaching, informing, or exciting the people, nor any of them maintain or in any wise sustain, and that all and singular having such books or any writings of such wicked doctrine and opinions, shall really with effect deliver or cause to be delivered all such books and writings to the diocesan of the same place within forty days from the time of the proclamation of this ordinance and statute.

And if any person or persons of whatsoever sex, estate, or condition that he or they be, from henceforth do or attempt against the said royal ordinance and statute aforesaid in the premises or any of them, or such books in the form aforesaid do not deliver, then the diocesan of the same place in his diocese such person or persons in this behalf defamed or evidently suspected and every of them may by the authority of the said ordinance and statute cause to be arrested and under safe custody in his prison to be detained till he or they of the articles laid to him or them in this behalf do canonically purge him or themselves, or else such wicked sect, preachings, doctrines and heretical and erroneous opinions do abjure, according as the laws of the church do demand and require.

* * * * *

And if any person within the said realm and dominions, upon the said wicked preachings, doctrines, opinions, schools, and heretical and erroneous informations, or any of them be before the diocesan of the same place or his commissaries convicted by sentence, and the same wicked sect, preachings, doctrines and opinions, schools and informations, do refuse duly to abjure, or by the diocesan of the same place or his commissaries, after the abjuration made by the same person be pronounced relapsed, so that according to the holy canons he ought to be left to the secular court, (upon which credence shall be given to the diocesan of the same place or to his commissaries in this behalf), then the

sheriff of the county of the same place, and mayor and sheriffs, or sheriff, or mayor and bailiffs of the city, town, and borough of the same county next to the same diocesan or the said commissaries, shall be personally present in preferring of such sentences, when they by the same diocesan or his commissaries shall be required; and they the same persons and every of them, after such sentence promulgate shall receive, and them before the people in an high place cause to be burnt, that such punishment may strike fear into the minds of others, whereby no such wicked doctrine and heretical and erroneous opinions, nor their authors and fautors, in the said realm and dominions, against the catholic faith, Christian law, and determination of the holy church, which God prohibit, be sustained or in any wise suffered in which all and singular the premises concerning the said ordinance and statute, the sheriffs, mayors, and bailiffs of the said counties, cities, boroughs and towns shall be attending, aiding, and supporting to the said diocesans and their commissaries.

IV. THE PEASANT REBELLION.

A general disintegration of society and increase of strained relations between social classes seems to have been in progress during the whole of the fourteenth century, especially after the Black Death. This is indicated by the increasing severity of the Statutes of Laborers, the repeated complaints of the Commons in Parliament, and by the statute of 1377, printed below. Its culmination was in the great rising of 1381. The immediate result was a close union of the king and the conservative classes. This brought about the withdrawal of the charters of manumission, the pardon of those who had violated the law in the putting down of the rebellion, and provision for the reissue of documents destroyed by violence. The supposed connection of the Lollards with the insurrection was utilized by the reactionary party in the church and by the king to increase the severity and the energy with which they were prosecuted.

I. LAW AGAINST EXCESSES OF THE VILLAINS.

1 Rich. II, c. 6, Statutes of the Realm, II, 2, 3.

At the grievous complaint of the lords and commons of the realm, as well men of holy church as other, made in this Parliament, of that in many lordships and parts of the realm of England, the villains and land tenants in villinage, who owe services and customs to their said lords, have now late withdrawn and do daily withdraw their services and customs due to their said lords; by comfort and procurement of other their counsellors, maintainers and abettors in the country, which have taken hire and profit of the said villains and land tenants by color of certain exemplifications made out of the book of Domesday of the

manors and towns where they have been dwelling, and by virtue of the same exemplifications and their evil interpretations of the same, they affirm them to be quit and utterly discharged of all manner of serfdom, due as well of their body as of their said tenures, and will not suffer any distress or other justice to be made upon them; but do menace the servants of their lords of life and member, and, which is more, gather themselves together in great routs, and agree by such confederacy, that every one shall aid other to resist their lords with strong hand; and much other harm they do in sundry ways, to the great damage of their said lords and evil example to others to begin such riots; so that if due remedy be not the rather provided upon the same rebels, greater mischief, which God prohibit, may thereof spring through the realm. It is ordained and established that the lords which feel themselves grieved, shall have special commission under the great seal to the justices of the peace, or to other sufficient persons, to inquire of all such rebels, and of their offences, and their counsellors, procurers, maintainers and abettors, and to imprison all those that shall be thereof indicted before them, as well for the time past as for the time to come, without delivering them out of prison by mainprise, bail or otherwise, without assent of their lords, till they be attainted or acquitted thereof; and that the same justices have power to hear and determine as well at the king's suit as at the suit of the party. * * *

And as to the said exemplifications, made and purchased as afore is said, which were caused to come in the Parliament, it is declared in the said Parliament that the same may not nor ought to avail, or hold place to the said villains or land tenants, as to the franchise of their bodies; nor to change the condition of their tenure and customs of old time due; nor to do prejudice to the said lords, to have their services and customs as they were wont of old time; and it is ordained that upon this declaration the said lords shall have letters patent under the great seal, as many and such as they shall need, if they the same require.

2. LETTER OF JOHN BALL TO THE COMMONS OF ESSEX.

Thomas Walsingham, *Historia Anglicana*, II., 33, 34; Rolls Series. English.

John Schep, som tyme Seynt Marie prest of York, and now of Colchester, greteth welle Johan Nameles, and Johan the Mullere, and Johan Cartere, and biddeth hem that thei ware of gyle in borugh, and stondeth togiddir in Goddis name, and biddeth Peres Ploughman go to his werke, and chastise welle Hobbe the robber, and taketh with you

Johan Trewman, and alle his felaws, and no mo, and loke scharpe you to on heved, and no mo.

Johan the Muller hath ygrownde smal, smal, smal;
 The Kyngis sone of hevene shalle pay for alle.
 Be ware or ye be wo.
 Knoweth your frende fro youre foo,
 Haveth ynowe, and seythe "Hoo;"
 And do welle and better, and flet synne,
 And seketh pees, and holde therynne.
 And so biddeth Johan Trewman and alle his felawes.

3. CHARTER OF MANUMISSION AND PARDON TO THE REBELS OF HERTFORDSHIRE.

Thomas Walsingham, *Historia Anglicana*, I., 467, Rolls Series. Latin.

Richard, by the grace of God, king of England and France, and lord of Ireland, to all his bailiffs and faithful ones, to whom these present letters shall come, greeting. Know that of our special grace, we have manumitted all of our lieges and each of our subjects and others of the county of Hertford; and them and each of them have made free from all bondage, and by these presents make them quit. And moreover we pardon our same lieges and subjects for all kinds of felonies, treasons, transgressions and extortions, however done or perpetrated by them or any of them, and also outlawry, if any shall have been promulgated on this account against them or any of them; and our most complete peace to them and each of them we concede in these matters. In testimony of which thing we have caused these our letters to be made patent. Witness, myself, at London, on the fifteenth day of June, in the fourth year of our reign.

4. WITHDRAWAL OF MANUMISSIONS.

5 Rich. II, Stat. I, c. 6. Statutes of the Realm, II, 20. Latin.

It is ordained that all manner of manumissions, obligations, releases, and other bonds made by compulsion, duress and threat, in the time of this last rumor and riot against the laws of the land and good faith shall be wholly quashed, annulled and holden for void; and they which have caused to be made or do yet withhold such manumissions, obligations, releases, bonds and other deeds, so made by duress, shall be sent before the king and his council, there to answer of their deed; and further, shall be constrained to make delivery and restitution of the said deeds to them that made the same against their good will, with the

copies of the same, if perchance they have thereof made any before in order to use or renew the effect of the same another time, if they may. And likewise, it is accorded that all entries made in lands or tenements, and also all feoffments made in the time of the same rumor by compulsion and menace, or otherwise with force of people, against the law, shall be void and holden for none. And the king straitly forbiddeth to all manner of people, upon pain of as much as they are able to forfeit to him in body and goods, that none from henceforth make nor begin again, in any manner, such riot and rumor, nor other like them. And if any do the same, and this be duly proved, it shall be done concerning him as of a traitor to the king and to his said realm.

5. PARDON OF THE KING TO THE LORDS.

5 Rich. II, Stat. 1, c. 5. Statutes of the Realm, II, 20.

Our sovereign lord the king, perceiving that many lords and gentlemen of his realm, and others with them in the rumor and insurrection of villains, and of other offenders, which now of late did traitorously rise by assemblies in outrageous numbers in divers parts of the realm, against God, good faith, and reason, and against the dignity of our sovereign lord the king and his crown, and the laws of his land, made divers punishments upon the said villains and other traitors, without due process of the law, and otherwise than the laws and usages of the realm required, although they did it of no malice prepense, but only to appease and cease the evident mischief, and considering the great diligence and loyalty of the lords and gentlemen in this behalf, which were not learned of the said laws and usages, and though at that time they had been learned, a man might not upon those punishments have tarried the process of the law, and that this they did with good intent, of their advice and of their good discretions, and willing therefore to do them grace, according as they have the same greatly deserved, of the assent aforesaid hath pardoned and released to the said lords and gentlemen, and all others being in their aid at the same deed, and to every of them, as much as to him thereof pertaineth, or to him and to his heirs may pertain; so that hereafter for whatsoever thing that was done by them upon the said punishments in resistance, they shall never be impeached nor grieved in body, goods, nor their heritages and possessions, in any way, by our sovereign lord the king, his heirs or ministers, nor none other in time to come, but utterly shall be thereof quit for ever by this grant and statute without having thereof other special charter or pardon.

TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II. THE PERIOD OF EARLY REFORMATION IN GERMANY. No. 6.

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AN EXAMPLE OF THE LETTERS OF OBSCURE MEN.

John Reuchlin, a famous Hebrew scholar, became involved in a controversy with a baptised Jew, Pfefferkorn, and his friends, in regard to the desirability of confiscating and destroying the books of the Jews. Reuchlin's tolerant attitude displeased the fanatical party, and he was led to defend his position in a book which he called the *Augenspiegel*. This reached the theological faculty of Cologne, which drew up a list of heretical propositions found therein; and Ortuin Gratius, one of the members of the faculty, added an appendix of Latin verses. Reuchlin was summoned before Hochstraten, the inquisitor general, at Cologne, but appealed to the Pope, who referred the case to the Bishop of Speyer. This prelate declared the book free from heresy. Then Hochstraten in his turn appealed to Rome, where the case was pending when the *Letters of Obscure Men* appeared. The persecution and trial of Reuchlin created a great deal of excitement in Germany among the literary men. In March, 1514, Reuchlin had published a collection of the letters of sympathy which he had received, under the title, *Letters of Distinguished Men, addressed to John Reuchlin*. These suggested to a famous humanist at Erfurt, Crotus Rubeanus, and his friends a method of attacking the theological party by means of a series of letters purporting to be written to Ortuin Gratius by his simple admirers and disciples. The modest title *Letters of Obscure Men* suggested itself as antithetical to that of the boastful collection which Reuchlin had issued of the letters of distinguished contemporaries. The first series was published in 1515, and a second series, in which Ulrich von Hutten doubtless took part, in 1517. The bad Latin, the fruitless quibbles, the naive confessions of habitual looseness of life, and the hate which the theologians bore toward Reuchlin and the whole tribe of humanists, form the interest and the recurring themes of the letters. The wit is good, bad and indifferent. The general conception of the work is perhaps its most delicately humorous feature, and it is said that in two instances at least the monks took the letters seriously, believing them to be an authentic manifesto of their party.

See Creighton, *History of the Papacy*, Vol. V., pp. 29-51, Strauss, *Ulrich von Hutten*, 176 ff., Geiger's *Reuchlin*, and his *Renaissance und Humanismus in Italien und Deutschland*, 510 ff. The best version of the "Letters" is that of Böcking. 2 vols.

From the Latin: *Epistolae Obscurorum Virorum*, Ed. Böcking, Leipzig, 1863, Vol. I., pp. 226-227.

Henricus Schaffsmulius to Master Ortuin Gratius many salutations.

When I first went to the Curia you told me that I should write to you frequently and address any theological questions to you, for you wished to answer them more satisfactorily than those could about the Papal Court at Rome. I, therefore, wish now to ask your opinion in the case of one who should on Friday, which is the sixth day, or upon any other fast day, eat an egg in which there is a chick. For we were

recently dining at an inn in the Campo Fiore, and were eating eggs. And I, opening my egg, discovered that there was a chick within ; but upon showing it to my companion, he urged me to swallow it straightway before the host caught sight of it, for otherwise I should have to pay a Carolinus or a Julius for a fowl, since it is the custom here to pay for everything the host places upon the table, because they will take nothing back. Now if he saw that there was a chick in the egg he would say : “You must pay me for a fowl too,”—for he would charge for a little one just as much as he would for a big one.

And I immediately swallowed the egg and the chick at the same time, and afterwards it occurred to me that it was Friday, and I said to my companion. “You have caused me to commit a mortal sin in eating meat on the sixth day.”

But he said that it was not a mortal sin, nor even a venial sin, since a chick may not be considered other than an egg until it is born. And he remarked that it is just so in the case of cheese in which there are worms, and of those in cherries, and in peas, and young beans, but they are eaten on the sixth day, and even on the vigils of the Apostles. But inn proprietors are such rascals, they say that these are meat in order to make gain thereby.

Then I went out and thought about it, and by Heaven, Master Ortuin, I am much disturbed, and I do not know what I ought to do about it. It is true that I might take counsel with a member of the Papal Court, but I know that they have bad consciences. As for myself, it seems to me that chicks in the egg are meat, because the matter is already formed and shaped into the members and body of an animal, and it has animal life. It is otherwise in the case of worms in cheese and in other comestibles, for worms are accounted to be fish, as I have heard from a physician, who is also a very able scientist.

I beseech of you earnestly to reply to my question. For if you hold that it is a mortal sin, then I wish to seek absolution before I go to Germany ; for you probably know that our Lord, Jacob Hochstraten, borrowed a thousand florins from the bank, and I believe he would want to make something out of the case, and may the devil take that John Reuchlin and those other poets and men of law, who are trying to fight the Church of God,—that is to say, the theologians, who are the real backbone of the Church, as Christ said : “Thou art Peter, and upon this rock will I build my Church.”

May the Lord God preserve you. Farewell.

Written in the City of Rome

THE SALE OF INDULGENCES.

The Archbishop of Mainz arranged with the Pope in 1515 to conduct the sale of indulgences in his own vast archiepiscopal provinces, Mainz and Magdeburg, for one-half the proceeds. The plan was not carried out until 1517 when, we may infer, the undated Instructions to Subcommissioners were drawn up, a portion of which is given below. These instructions, Cardinal Hergenröther observes, "corresponding with the teaching of the church, cannot be a source of reproach to the Elector" (*Conciliengeschichte*, IX, 11).

The sub-commissioners appealed in turn to the parochial priests, and there are extant portions of another set of instructions issued by John Tetzel to the priests of his territory, exhorting them to prepare the minds of their parishioners for indulgences; and with these instructions he sent pattern sermons, of which one is given below.

ARCHBISHOP ALBERT'S INSTRUCTIONS TO THE SUB-COMMISSIONERS.

Gerdes : *Introductio in Historiam Evangelii Seculo XVI Renovati*,
Supplement to Vol. I, pp. 90, *sqq.*

* * * Here follow the four principal graces and privileges, which are granted by the apostolic bull, of which each may be obtained without the other. In the matter of these four privileges preachers shall take pains to commend each to believers with the greatest care, and, in-so-far as in their power lies, to explain the same.

The first grace is the complete remission of all sins; and nothing greater than this can be named, since man who lives in sin and forfeits the favor of God, obtains complete remission by these means and once more enjoys God's favor: moreover, through this remission of sins the punishment which one is obliged to undergo in Purgatory on account of the affront to the divine Majesty, is all remitted, and the pains of Purgatory completely blotted out. And although nothing is precious enough to be given in exchange for such a grace,—since it is the free gift of God and a grace beyond price,—yet in order that Christian believers may be the more easily induced to procure the same, we establish the following rules, to wit:

In the first place every one who is contrite in heart, and has made oral confession, or at all events has the intention of confessing at a suitable time, shall visit at least the seven churches indicated for this purpose, that is to say, those in which the papal arms are displayed, and in each church shall say devoutly five Paternosters and five Ave Marias in honor of the five wounds of our Lord Jesus Christ, whereby our salvation is won, or one *Miserere*, which Psalm is particularly well adapted for obtaining forgiveness of sins.

Sick or otherwise incapacitated persons shall visit with the same devotion and prayers the seven altars, which the commissioners and subcommissioners shall have erected in the church where the cross shall be raised, and on which they shall have affixed the papal arms.

Where, however, persons are found so weak that they cannot conveniently come to such a church, then shall their confessor or penitentiary cause an altar to be brought to a convenient place approved by him. And where such persons visit this place and offer up their prayers near the altar or before it, they shall deserve the indulgence as though they had visited the seven churches.

To those, however, who are upon beds of sickness the image of a saint may be sent, before or beside which they may offer up a certain number of prayers, according to the judgment of the confessor, in which case they shall be considered to have done as much as if they had visited the seven churches.

But where a certain one, particularly a woman, requests, on account of some especial cause, that the visitation of the churches and altars be remitted, the penitentiaries may grant the request on proper grounds ; but the said visitation shall be replaced with an increased contribution.

Respecting, now, the contribution to the chest, for the building of the said church of the chief of the apostles, the penitentiaries and confessors, after they have explained to those making confession the full remission and privileges, shall ask of them, for how much money or other temporal goods they would conscientiously go without the said most complete remission and privileges ; and this shall be done in order that hereafter they may be brought the more easily to contribute. And because the conditions and occupations of men are so manifold and diverse that we cannot consider them individually, and impose specific rates accordingly, we have therefore concluded that the rates should be determined according to the recognized classes of persons.

Kings and Queens and their offspring, archbishops and bishops, and other great rulers as well, provided they seek the places where the cross is raised, or otherwise present themselves, shall pay at least five and twenty Rhenish guilders in gold. Abbots and the great prelates of Cathedral churches, counts, barons, and others of the higher nobility, together with their consorts, shall pay for each letter of indulgence ten such guilders. Other lesser prelates and nobles, as also the

rectors of celebrated places, and all others, who, either from permanent incomes or merchandise, or otherwise, enjoy a total yearly revenue of five hundred gold guilders, shall pay six such guilders. Other citizens and tradespeople and artisans, who have individual incomes and families of their own, shall pay one such guilder; others of less means only a half. And where it is impossible to adhere rigidly to the schedule above indicated, then we declare that the said kings, bishops,, dukes abbots, prelates, counts, barons, members of the higher nobility and rectors, together with all others above mentioned, shall place or caused to be placed in the chest a sum in accordance with the dictates of sound reason, proportionate to their magnificence or generosity, after they have listened to the advice and council of the subcommissioners and penitentiaries and of their confessors, in order that they may fully obtain the grace and privileges. All other persons are confided to the discretion of the confessors and penitentiaries, who should have ever in view the advancement of this building, and should urge their penitents to a freer contribution, but should let no one go away without some portion of grace, because the happiness of Christian believers is here concerned not less than the interests of the building. And those that have no money, they shall supply their contribution with prayer and fasting; for the Kingdom of Heaven should be open to the poor not less than to the rich.

And although a married woman may not dispose of the husband's goods against his will, yet she shall be able to contribute in this instance against the will of her husband of her dowry or of her own private property, which has come to her in a regular manner. Where she has no such possessions, or is prevented by her husband, she shall then supply such contribution with prayer; and the same we wish to have understood concerning sons who still remain under parental control.

Where, however, the said poor wives and sons who still remain under parental control may obtain by entreaty or otherwise from other rich and pious persons the means needed for such payments and contributions, they shall place the sums so acquired in the chest. Where, however, they have absolutely no way of procuring such contributions, then they may obtain through prayer and supplication the said treasures of grace as well for themselves as for the dead.

In all the cases above indicated, however, some room shall be left for the exercise of discretion on the part of the subcommissioners and confessors, who shall have regard to God and their consciences, so that peace of conscience and the welfare of all the above said persons shall be happily secured.

The second signal grace is a confessional letter containing the most extraordinarily comforting and hitherto unheard of privileges, and which also retains its virtue even after our bull expires at the end of eight years, since the bull says: "they shall be participators now and for ever." The meaning of the same preachers and confessors shall explain and bring unto all possible prominence; for there will be granted in the confessional letter, to those who buy: first, the power to choose a qualified confessor, even a monk from the mendicant orders, who shall absolve them first and foremost, with the consent of the persons involved, from all censures by whomsoever imposed; in the second place, from each and every crime, even the greatest, and as well from those reserved to the apostolic see, once in a lifetime and in the hour of death; third, in those cases which are not reserved, as often as necessary; fourth, the chosen confessor may grant him complete forgiveness of all sins once in life, and at the hour of death, as often as it may seem at hand, although death ensue not; and, fifth, transform all kinds of vows, excepting alone those solemnly taken, into other works of piety (as when one has vowed to perform the journey to the Holy Land, or to visit the holy Apostles at Rome, to make a pilgrimage to St. James at Compostella, to become a monk, or to take a vow of chastity); sixth, the confessor may administer to him the sacrament of the altar at all seasons, except on Easter day, and in the hour of death.

We furthermore ordain, that one of these confessional letters shall be given and imparted for the quarter of a Rhenish gold guilder, in order that the poor shall not thereby be shut out from the manifold graces therein contained; it may however happen that nobles and other wealthy persons may, out of devotion and liberality, be disposed to give more. Whatever is given over and above the ordinary fee shall be placed in the chest. In cases where such letters are demanded by colleges or cloisters, whether of men or women, the fee which they shall be obliged to pay must be computed by the subcommissioners according to their number and their property. The same subcommissioners must seal the confessional letters which shall be issued, and sign them with their own hand, setting forth the fee which has been paid for the letter.

It is also our desire that the name of only one person should be written in the confessional letter, except in case of man and wife, who are one in the flesh. To these may also be added the sons and daughters who are still under parental control, and have as yet nothing of

their own. And in order that each and every one of the said persons, as well as the poor and those of moderate means, may be able to obtain such confessional letters, we hereby clothe our general subcommissioner with power to fix a certain sum to be paid collectively by the persons whose names are written in a confessional letter, as it may best subserve the interests of the aforesaid church building.

We desire also, that the names of each and every one who buys a letter, or obtains one for any cause without remuneration shall be written by him who issues the same in a special book. And he that issues shall endorse his name upon each letter, in order that an account of the sales may be given later, and that no mistakes may creep in.

We desire, moreover, that the said confessional letters be issued in all places covered by our commission for the sale of indulgences, even where the cross has *not* been raised, during the period of eight years, by those who hold authentic written commissions either from us or from our general subcommissioners.

The third most important grace is the participation in all the possessions of the church universal, which consists herein, that contributors toward the said building, together with their deceased relations, who have departed this world in a state of grace, shall from now and for eternity, be partakers in all petitions, intercessions, alms, fastings, prayers, in each and every pilgrimage, even those to the Holy Land; furthermore, in the stations at Rome, in the masses, canonical hours, flagellations, and all other spiritual goods which have been brought forth or which shall be brought forth by the universal, most holy church militant or by any of its members. Believers will become participants in all these things who purchase confessional letters. Preachers and confessors must insist with great perseverance upon these advantages, and persuade believers that they should not neglect to acquire these along with their confessional letter.

We also declare that in order to acquire these two most important graces, it is not necessary to make confession, or to visit the churches and altars, but merely to purchase the confessional letter. . . .

The fourth distinctive grace is for those souls which are in purgatory, and is the complete remission of all sins, which remission the pope brings to pass through his intercession to the advantage of said souls, in this wise; that the same contribution shall be placed in the chest by a living person as one would make for himself. It is

our wish, however, that our subcommissioners should modify the regulations regarding contributions of this kind which are given for the dead, and that they should use their judgement in all other cases, where in their opinion modifications are desirable. It is furthermore not necessary that the persons who place their contributions in the chest for the dead should be contrite in heart and have orally confessed, since this grace is based simply on the state of grace in which the dead departed, and on the contribution of the living, as is evident from the text of the bull. Moreover, preachers shall exert themselves to give this grace the widest publicity, since through the same, help will surely come to departed souls, and the construction of the Church of St. Peter will be abundantly promoted at the same time.

EXTRACT FROM SERMON ON INDULGENCES GIVEN BY TETZEL TO
PAROCHIAL CLERGY.

From the Latin. Amort : De origine, progressu, valore ac fructu indulgentiarum. Augsburg, 1735. Pars II, Sectio I, 22, pp. 15-16.

SERMO TERTIUS.

Venerable Sir, I pray you that in your utterances you may be pleased to make use of such words as shall serve to open the eyes of the mind and cause your hearers to consider how great a grace and gift they have had and now have at their very doors. Blessed eyes indeed, which see what they see, because already they possess letters of safe conduct by which they are able to lead their souls through that valley of tears, through that sea of the mad world, where storms and tempests and dangers lie in wait, to the blessed land of Paradise. Know that the life of man upon earth is a constant struggle. We have to fight against the flesh, the world and the devil, who are always seeking to destroy the soul. In sin we are conceived,—alas ! what bonds of sin encompass us, and how difficult and almost impossible it is to attain to the gate of salvation without divine aid ; since He causes us to be saved, not by virtue of the good works which we accomplish, but through His divine mercy ; it is necessary then to put on the armor of God.

You may obtain letters of safe conduct from the vicar of our Lord Jesus Christ, by means of which you are able to liberate your soul from

the hands of the enemy, and convey it by means of contrition and confession, safe and secure from all pains of Purgatory, into the happy kingdom. For know that in these letters are stamped and engraven all the merits of Christ's passion there laid bare. Consider, that for each and every mortal sin it is necessary to undergo seven years of penitence after confession and contrition, either in this life or in Purgatory.

How many mortal sins are committed in a day, how many in a week, how many in a month, how many in a year, how many in the whole course of life! They are well-nigh numberless, and those that commit them must needs suffer endless punishment in the burning pains of Purgatory.

But with these confessional letters you will be able at any time in life to obtain full indulgence for all penalties imposed upon you, in all cases except the four reserved to the Apostolic See. Therefore throughout your whole life, whenever you wish to make confession, you may receive the same remission, except in cases reserved to the Pope, and afterwards, at the hour of death, a full indulgence as to all penalties and sins, and your share of all spiritual blessings that exist in the church militant and all its members.

Do you not know that when it is necessary for anyone to go to Rome, or undertake any other dangerous journey, he takes his money to a broker and gives a certain per cent—five or six or ten—in order that at Rome or elsewhere he may receive again his funds intact, by means of the letters of this same broker? Are you not willing, then, for the fourth part of a florin, to obtain these letters, by virtue of which you may bring, not your money, but your divine and immortal soul safe and sound into the land of Paradise?

Wherefore I counsel, order, and, by virtue of my authority as shepherd, I command that they shall receive together with me and other priests, this precious treasure, especially those who were not confessed at the time of the holy Jubilee, that they may be able to obtain the same forever. For the time may come when you may desire, but yet be unable to obtain the least portion of the grace.

Also on the part of SS. D. N. the Pope and of the most holy apostolic See and of the most reverend sir, my legate, to each and every one who shall have profited by the sacred Jubilee and made confession, and to all who may profit by this present brief opportunity, and who shall have lent a helping hand to the construction of the aforesaid house of the Prince of the Apostles, they shall all be participants and sharers in all

prayers, suffrages, alms, fasts, supplications, masses, canonical hours, disciplines, pilgrimages, papal stations, benedictions, and all other spiritual goods which now exist or may exist forever in the church militant, and in all of these, not only they themselves, but their relatives, kindred, and benefactors who have passed away ; and as they were moved by charity, so God, and SS. Peter and Paul, and all the saints whose bodies rest in Rome, shall guard them in peace in this vale, and conduct them through it to the heavenly kingdom. Give everlasting thanks in the aforesaid names and in mine to the reverend secular priests and prelates, etc.

DISPUTATION OF DR. MARTIN LUTHER, THEOLOGIAN, CONCERNING THE VALUE OF INDULGENCES.

That the Ninety-Five Theses were not meant by Luther to be taken as a complete and final statement of his doctrinal conclusions, but rather as a text to form the basis of academic disputation, as was customary at the time, seems evident from his subsequent utterances. Early in the year following the publication of the Theses Luther prepared with greater care a statement of doctrine—the Resolutions—copies of which he sent to neighboring German prelates and to the Pope.

With the copy forwarded to the Bishop of Brandenburg he enclosed a personal letter¹ explaining the nature of the Ninety-Five Theses—that they were not to be taken as dogma, but merely as themes for disputation. “For there is much in them,” he writes, “concerning which I am doubtful ; much else that I do not understand ; other things of which I am not persuaded ; but nothing that I stubbornly adhere to ; for I subject everything to the holy church and her judgment.” Again in his letter to the Pope,² dated May 30, 1518, he expresses his surprise that the Theses should have obtained such extensive circulation. He regretted it ; since they were points for disputation and not teaching, “somewhat equivocally composed, as was the custom,” (*i. e.*, the academic custom, giving greater latitude to their defender). If he had forseen their wide diffusion he would have taken pains to make them clearer.

An excellent Latin text of the Ninety-Five Theses, copied verbatim from a manuscript in the Royal Library at Berlin, may be found in the sixth volume of Ranke’s *Deutsche Geschichte im Zeitalter der Reformation*. The text subjoined is substantially that of Wace and Buchheim.

In the desire and with the purpose of elucidating the truth, a disputation will be held on the underwritten propositions at Wittenberg, under the presidency of the Reverend Father Martin Luther, Monk of

¹ de Wette : *Dr. M. Luther’s Briefe, Sendschreiben u. Bedenken*. Berlin, 1825. Vol. I, p. 114.

² *Ibid.* Vol. I, p. 121.

the Order of St. Augustine, Master of Arts and of Sacred Theology, and ordinary Reader of the same in that place. He therefore asks those who cannot be present and discuss the subject with us orally, to do so by letter in their absence. In the name of our Lord Jesus Christ. Amen.

1. Our Lord and Master Jesus Christ in saying "Repent ye" (*poenitentiam agite*) etc., intended that the whole life of believers should be penitence (*poenitentia*).

2. This word cannot be understood as sacramental penance (*poenitentia*), that is, of the confession and satisfaction which are performed under the ministry of priests.

3. It does not, however, refer solely to inward penitence (*poenitentia*¹); nay such inward penitence is naught, unless it outwardly produces various mortifications of the flesh.

4. The penalty (*poena*) thus continues as long as the hatred of self (that is, true inward penitence); namely, till our entrance into the kingdom of heaven.

5. The Pope has neither the will nor the power to remit any penalties except those which he has imposed by his own authority, or by that of the canons.

6. The Pope has no power to remit any guilt, except by declaring and warranting it to have been remitted by God; or at most by remitting cases reserved for himself; in which cases, if his power were despised, guilt would certainly remain.

7. Certainly God remits no man's guilt without at the same time subjecting him, humbled in all things, to the authority of his representative the priest.

8. The penitential canons are imposed only on the living, and no burden ought to be imposed on the dying, according to them.

9. Hence, the Holy Spirit acting in the Pope does well for us in that, in his decrees, he always makes exception of the article of death and of necessity.

10. Those priests act unlearnedly and wrongly who, in the case of the dying, reserve the canonical penances for purgatory.

¹ It will be noticed that it is necessary to render the one Latin word *poenitentia* now "penitence" and now "penance."

11. Those tares about changing the canonical penalty into the penalty of purgatory seem surely to have been sown while the bishops were asleep.

12. Formerly the canonical penalties were imposed not after but before absolution, as tests of true contrition.

13. The dying pay all penalties by death, and are already dead to the canon laws, and are by right relieved from them.

14. The imperfect vigor or love of a dying person necessarily brings with it great fear, and the less it is, the greater the fear it brings.

15. This fear and horror is sufficient by itself, to say nothing of other things, to constitute the pains of purgatory, since it is very near to the horror of despair.

16. Hell, purgatory, and heaven appear to differ as despair, almost despair, and peace of mind differ.

17. With souls in purgatory it seems that it must needs be that as horror diminishes so love increases.

18. Nor does it seem to be proved by any reasoning or any Scriptures, that they are outside of the state of merit or of the increase of love.

19. Nor does this appear to be proved, that they are sure and confident of their own blessedness, at least all of them, though we may be very sure of it.

20. Therefore the Pope, when he speaks of the plenary remission of all penalties, does not mean really of all, but only of those imposed by himself.

21. Thus those preachers of indulgences are in error who say that by the indulgences of the Pope a man is freed and saved from all punishment.

22. For in fact he remits to souls in purgatory no penalty which they would have had to pay in this life according to the canons.

23. If any entire remission of all penalties can be granted to any one it is certain that it is granted to none but the most perfect, that is to very few.

24. Hence, the greater part of the people must needs be deceived by this indiscriminate and high-sounding promise of release from penalties.

25. Such power over purgatory as the Pope has in general, such has every bishop in his own diocese, and every parish priest in his own parish, in particular.

26. The Pope acts most rightly in granting remission to souls not by the power of the Keys (which is of no avail in this case) but by the way of intercession.

27. They preach man may that the soul flies out of Purgatory as soon as the money thrown into the chest rattles.

28. It is certain that, when the money rattles in the chest, avarice and gain may be increased, but the effect of the intercession of the Church depends on the will of God alone.

29. Who knows whether all the souls in purgatory desire to be redeemed from it—witness the story told of Saints Severinus and Paschal?

30. No man is sure of the reality of his own contrition, much less of the attainment of plenary remission.

31. Rare as is a true penitent, so rare is one who truly buys indulgences—that is to say, most rare.

32. Those who believe that, through letters of pardon, they are made sure of their own salvation will be eternally damned along with their teachers.

33. We must especially beware of those who say that these pardons from the Pope are that inestimable gift of God by which man is reconciled to God.

34. For the grace conveyed by these pardons has respect only to the penalties of sacramental satisfaction, which are of human appointment.

35. They preach no Christian doctrine who teach that contrition is not necessary for those who buy souls [out of purgatory] or buy confessional licenses.

36. Every Christian who feels true compunction has of right plenary remission of punishment and guilt even without letters of pardon.

37. Every true Christian, whether living or dead, has a share in all the benefits of Christ and of the Church, given him by God, even without letters of pardon.

38. The remission, however, imparted by the Pope is by no means to be despised, since it is, as I have said, a declaration of the divine remission.

39. It is a most difficult thing, even for the most learned theologians, to exalt at the same time in the eyes of the people the ample effect of pardons and the necessity of true contrition.

40. True contrition seeks and loves punishment; while the ampleness of pardons relaxes it, and causes men to hate it, or at least gives occasion for them to do so.

41. Apostolic pardons ought to be proclaimed with caution, lest the people should falsely suppose that they are placed before other good works of charity.

42. Christians should be taught that it is not the wish of the Pope that the buying of pardons should be in any way compared to works of mercy.

43. Christians should be taught that he who gives to a poor man, or lends to a needy man, does better than if he bought pardons.

44. Because by works of charity, charity increases, and the man becomes better; while by means of pardons, he does not become better, but only freer from punishment.

45. Christians should be taught that he who sees any one in need, and, passing him by, gives money for pardons, is not purchasing for himself the indulgences of the Pope but the anger of God.

46. Christians should be taught that, unless they have superfluous wealth, they are bound to keep what is necessary for the use of their own households, and by no means to lavish it on pardons.

47. Christians should be taught that while they are free to buy pardons they are not commanded to do so.

48. Christians should be taught that the Pope, in granting pardons, has both more need and more desire that devout prayer should be made for him than that money should be readily paid.

49. Christians should be taught that the Pope's pardons are useful if they do not put their trust in them, but most hurtful if through them they lose the fear of God.

50. Christians should be taught that, if the Pope were acquainted with the exactions of the Preachers of pardons, he would prefer that the Basilica of St. Peter should be burnt to ashes rather than that it should be built up with the skin, flesh, and bones of his sheep.

51. Christians should be taught that as it would be the duty so it would be the wish of the Pope even to sell, if necessary, the Basilica of St. Peter, and to give of his own money to very many of those from whom the preachers of pardons extract money.

52. Vain is the hope of salvation through letters of pardon, even if a commissary—nay, the Pope himself—were to pledge his own soul for them.

53. They were enemies of Christ and of the Pope who, in order that pardons may be preached, condemn the word of God to utter silence in other churches.

54. Wrong is done to the Word of God when, in the same sermon, an equal or longer time is spent on pardons than on it.

55. The mind of the Pope necessarily is that, if pardons, which are a very small matter, are celebrated with single bells, single processions, and single ceremonies, the Gospel, which is a very great matter, should be preached with a hundred bells, a hundred processions, and a hundred ceremonies.

56. The treasures of the Church, whence the Pope grants indulgences, are neither sufficiently named nor known among the people of Christ.

57. It is clear that they are at least not temporal treasures, for these are not so readily lavished, but only accumulated, by many of the preachers.

58. Nor are they the merits of Christ and of the saints, for these, independently of the Pope, are always working grace to the inner man, and the cross, death, and hell to the outer man.

59. St. Lawrence said that the treasures of the Church are the poor of the Church, but he spoke according to the use of the term in his time.

60. We are not speaking rashly when we say that the keys of the Church, bestowed through the merits of Christ, are that treasure.

61. For it is clear that the power of the Pope is sufficient of itself for the remission of [canonical] penalties and of [reserved] cases.

62. The true treasure of the Church is the Holy Gospel of the glory and grace of God.

63. This treasure, however, is deservedly most hateful, because it makes the first to be last.

64. While the treasure of indulgences is deservedly most acceptable, because it makes the last to be first.

65. Hence the treasures of the Gospel are nets, wherewith of old they fished for the men of riches.

66. The treasures of indulgences are nets, wherewith they now fish for the riches of men.

67. Those indulgences, which the preachers loudly proclaim to be the greatest graces, are seen to be truly such as regards the promotion of gain.

68. Yet they are in reality most insignificant when compared to the grace of God and the piety of the cross.

69. Bishops and parish priests are bound to receive the commissaries of apostolical pardons with all reverence.

70. But they are still more bound to see to it with all their eyes, and take heed with all their ears, that these men do not preach their own dreams in place of the Pope's commission.

71. He who speaks against the truth of apostolical pardons, let him be anathema and accursed.

72. But he, on the other hand, who exerts himself against the wantonness and license of speech of the preachers of pardons, let him be blessed.

73. As the Pope justly thunders against those who use any kind of contrivance to the injury of the traffic in pardons,

74. Much more is it his intention to thunder against those who, under the pretext of pardons, use contrivances to the injury of holy charity and of truth.

75. To think that the Papal pardons have such power that they could absolve a man even if—by an impossibility—he had violated the Mother of God, is madness.

76. We affirm on the contrary that Papal pardons cannot take away even the least of venial sins, as regards its guilt.

77. The saying that, even if St. Peter were now Pope, he could grant no greater graces, is blasphemy against St. Peter and the Pope.

78. We affirm on the contrary that both he and any other Pope has greater graces to grant, namely, the Gospel, powers, gifts of healing, etc. (1 Cor. xii.)

79. To say that the cross set up among the insignia of the Papal arms is of equal power with the cross of Christ, is blasphemy.

80. Those bishops, priests and theologians who allow such discourses to have currency among the people will have to render an account.

81. This license in the preaching of pardons makes it no easy thing, even for learned men, to protect the reverence due to the Pope against the calumnies, or, at all events, the keen questionings of the laity.

82. As for instance: Why does not the Pope empty purgatory for the sake of most holy charity and of the supreme necessity of souls—this being the most just of all reasons—if he redeems an infinite number of souls for the sake of that most fatal thing, money, to be spent on building a basilica—this being a very slight reason?

83. Again; why do funeral masses and anniversary masses for the deceased continue, and why does not the Pope return, or permit the withdrawal of, the funds bequeathed for this purpose, since it is a wrong to pray for those who are already redeemed?

84. Again ; what is this new kindness of God and the Pope, in that, for money's sake, they permit an impious man and an enemy of God to redeem a pious soul which loves God, and yet do not redeem that same pious and beloved soul out of free charity on account of its own need?

85. Again ; why is it that the penitential canons, long since abrogated and dead in themselves, in very fact and not only by usage, are yet still redeemed with money, through the granting of indulgences, as if they were full of life?

86. Again ; why does not the Pope, whose riches are at this day more ample than those of the wealthiest of the wealthy, build the single Basilica of St. Peter with his own money rather than with that of poor believers?

87. Again ; what does the Pope remit or impart to those who through perfect contrition have a right to plenary remission and participation?

88. Again ; what greater good could the Church receive than if the Pope, instead of once, as he does now, were to bestow these remissions and participations a hundred times a day on any one of the faithful?

89. Since it is the salvation of souls, rather than money, that the Pope seeks by his pardons, why does he suspend the letters and pardons granted long ago, since they are equally efficacious?

90. To repress these scruples and arguments of the laity by force alone, and not to resolve them by giving reasons, is to expose the Church and the Pope to the ridicule of their enemies, and to make Christian men unhappy.

91. If then pardons were preached according to the spirit and mind of the Pope, all these questions would be resolved with ease ; nay, would not exist.

92. Away then with all those prophets who say to the people of Christ : "Peace, peace," and there is no peace.

93. Blessed be all those prophets who say to the people of Christ : "The cross, the cross," and there is no cross.

94. Christians should be exhorted to strive to follow Christ their head through pains, deaths, and hells.

95. And thus trust to enter heaven through many tribulations, rather than in the security of peace.

EXTRACT FROM A LETTER OF ULRICH VON HUTTEN TO THE ELECTOR OF SAXONY, 1520.

In September, 1520, Ulrich von Hutten, fearing an attack upon his life or liberty, accepted the invitation of his friend Franz von Sickingen, and repaired to the castle of Ebernburg. From this retreat, between the time of his arrival and the 28th of the same month, he sent forth four letters of political import, which contain the substance of his effort to rally the elements of German strength against the power of Rome. Of these letters the first was addressed to Charles V., then upon his way to assume the imperial honors; another to the Elector Albert, Cardinal Archbishop of Mainz; a third to the Elector Frederick of Saxony, and a fourth to Germans of all Estates.

The letter to Frederick is of greatest interest, and its description of the economic forces then at work in Germany may profitably be compared with Luther's treatment of the same matters in his *Address to the German Nobility*.

From the Latin and contemporaneous German version in the *Epistolæ Ulrichi Hutteni*, Edited by Böcking. Vol. I., pp. 393 ff.

* * * We see that there is no gold and almost no silver in our German land. What little may perhaps be left is drawn away daily by the new schemes invented by the council of the most holy members of the Roman curia. What is thus squeezed out of us is put to the most shameful uses. Would you know, dear Germans, what employment I have myself seen that they make at Rome of our money? It does not lie idle! Leo the Tenth gives a part to nephews and relatives (these are so numerous that there is a proverb at Rome, "As thick as Leo's relations"). A portion is consumed by so many most reverend cardinals (of which the holy father created no less than one and thirty in a single day), as well as to support innumerable referendaries, auditors, prothonotaries, abbreviators, apostolic secretaries, chamberlains and a variety of officials forming the élite of the great head church. These in turn draw after them, at untold expense, copyists, beadles, messengers, servants, scullions, mule drivers, grooms, and an innumerable army of prostitutes and of the most degraded followers. They maintain dogs, horses, monkeys, long-tailed apes, and many more such creatures for their pleasure. They construct houses all of marble. They have precious stones, are clothed in purple and fine linen, and dine sumptuously,

frivolously indulging themselves in every species of luxury. In short, a vast number of the worst of men are supported in Rome in idle indulgence by means of our money. . . . Does not Your Grace perceive how many bold robbers, how many cunning hypocrites commit repeatedly the greatest crimes under the monk's cowl, and how many crafty hawks feign the simplicity of doves, and how many ravening wolves simulate the innocence of lambs? And although there be a few truly pious among them, even they cling to superstition, and pervert the law of life which Christ laid down for us.

Now, if all these who devastate Germany, and continue to devour everything, might once be driven out, and an end made of their unbridled plundering, swindling and deception, with which the Romans have overwhelmed us, we should again have gold and silver in sufficient quantities, and should be able to keep it. And then this money, in such supply and value as it may be present, might be put to better uses, for example : to put on foot great armaments and extend the boundaries of the Empire ; also that the Turks may be conquered, if this seems desirable ; that many who, because of poverty, steal and rob may honestly earn their living once more, and that those who otherwise must starve may receive from the state contributions to mitigate their need ; that scholars may be helped, and the study of the arts and sciences and of good literature be advanced ; above all that every virtue may receive its reward ; want be relieved at home ; indolence banished, and deceit killed.

Then, too, the Bohemians, when they come to know this, will make common cause with us, for it was material obstacles alone that kept them back, in earlier times, from dealing with the avarice of their priests. The Greeks would do the same, who, unable to bear the Romish tyranny, have been for a long time, at the instigation of the Popes, regarded as heretics. The Russians would also become Christians and join us, they who, when recently they proposed to embrace Christianity, were repelled by the demand of His Holiness for a yearly tribute to be levied upon them of 400,000 ducats. Even the Turks would thereby hate us less ; and no heathen, as formerly, would have occasion to molest us. For up to the present day the shameful lives of the heads of the Church have made the name of Christian hateful to all strangers.

Ebernburg, September 11, 1520.

ERASMUS TO RICHARD PACE.

The Bull of Leo X., which excommunicated Luther and ordered that his works should be burned, alarmed Erasmus and he felt the necessity of disclaiming, in a series of letters to his influential friends, all connection with the Lutheran movement. The partisans of Rome, however, and most particularly the monks, who had additional reason for hating Erasmus as leader of the Humanists, were not so easily silenced ; but were loud in their denunciation of Erasmus as having furnished the literary basis for the anti-Roman movement ; or as they expressed it : "Erasmus laid the egg and Luther has hatched it."

The letter to Richard Pace, a figure of some prominence in the English Church, and successor to Colet as Dean of St. Paul's, has been selected as seeming to show an interesting conflict of motives which may have possessed Erasmus at this period.

From the Latin : Translation in Drummond's *Erasmus*, Vol. II, p. 77.

BRUSSELS, July 5, 1521.

" . . . I fear the Dominicans and some of the divines will use their victory intemperately, especially those of Louvain, who have some private grudge against me, and have found in Jerome Aleander an instrument most admirably adapted to this purpose. This man is mad enough naturally, without any one to instigate him ; but, as it is, he has instigators who might drive even the most moderate to madness. The most virulent pamphlets are flying about on all sides, and Aleander ascribes them all to me, though I was ignorant of the existence of many of them before I heard of them from him. Luther has acknowledged his own books in the presence of the Emperor, and yet the 'Babylonian Captivity,' which is one of them, is ascribed to me. A prolific author indeed I must be, seeing that I was able to write so many pamphlets, while meantime I was emending the text of the New Testament with the utmost labor, and editing the works of Augustine, not to speak of other studies. May I be lost if in all Luther's works there is a single syllable of mine, or if any calumnious book was ever published of which I was the author ; on the contrary, I do all I can to deter others. Now, however, they are adopting a new course, and asserting that Luther has borrowed some of his doctrines from my works, as if he had not borrowed more from Paul's Epistles. I now, at last, see clearly that it was the policy of the Germans to implicate me whether I would or not in Luther's business ; a most impolitic piece of policy indeed, for nothing would sooner have alienated me from them. Or what aid could I have given to Luther if I had associated myself with him in his danger ? The only result would have been that two must perish

instead of one. I can never sufficiently wonder at the violent spirit he has displayed in his writings, by which he has certainly brought immense odium on all the friends of polite literature. Many indeed of his doctrines and exhortations are excellent, and I wish he had not vitiated the good in his writings by intolerable faults. If, however, he had always written in the most reverent spirit, still, I had no inclination to risk my life for the truth. It is not everybody who has strength for martyrdom, and I am afraid that if any outbreak should take place I should imitate St. Peter. When the Popes and the Emperors decree what is right, I obey, which is the course of true piety ; but when they command what is wrong, I submit, and that is the safe course. I think also that good men are justified in acting thus if there is no hope of success. They are again trying to fix on me the authorship of the book on Julius, so determined are they to leave nothing untried to injure both myself and the cause of letters, which they cannot bear to see prospering. . . . ”

A MANDATE OF MAURICE, BISHOP OF WORMS, AGAINST THE LUTHERAN DOCTRINE.

January 20, 1524.

In the admonition given below the attitude of the Catholic prelacy towards the Lutheran movement is clearly shown. The student will note that every species of disorder which the bishop had observed was unconditionally ascribed to Luther.

From the Latin. *Le Plat : Monumentorum ad Historiam Concilii Tridentini amplissima Collectio. Tom. II., pp., 214-7.*

To the honorable lord Archpresbyter of Braunsberg and all other priests, both regular and secular, parish priests, vicars, preachers of God's word, clerks and the learned in general of this diocese, salutation and true grace in our Lord :

We had certainly believed that its very recklessness would ere this have hurried to its own destruction the Lutheran faction, which not a few Christians in their blindness are hastening to join. And this we still believe will take place as soon as it shall please God in his mercy to turn from us the scourge of his wrath.¹ His anger will not last forever, nor will he forget to pity, whose mercy extends to all his creatures. Nor will he allow his church like a storm beaten vessel to be cast about

¹ It is apparent from a later paragraph in this letter, here omitted, that the bishop regarded the heresy as a visitation of God upon the sins of his people.

by the raging waves of this tempest of heresy, for he has founded it upon the firm rock, and vouchsafed that it should be consecrated with the blood of many martyrs.

In what way could this pestiferous defilement be lasting, which brings upon the Church, the undefiled bride of Christ, such a mass of horrible abominations. Since those who are enthusiastic adherents of this sect, wounding the pious hearts of simple Christians by their deadly declamations, execrate with unheard-of animosity the most holy sacrifice of the mass, as if it were the blackest abomination, and, rejecting it in their heart, they revile it in shameful terms, which could not be repeated without a blush. They reject the sacraments of the Church to follow their own lusts. They proclaim the duty of reproduction according to the old law, in such unmeasured terms that they would seem plainly to condemn the purity of virginity. For this reason they command the cloisters of monks and nuns to be thrown open, that everyone may be free, in violation of the vows and chastity, to go forth and marry at will. They would, moreover, in their rashness, allow priests to marry as well.

They preach with impious words that the crucifixes of our Lord Jesus Christ and the figures of the saints should be thrown down and burned, and especially those of the glorified mother, the Virgin Mary, and forbid as sacrilegious the venerable hymns and songs of praise addressed to her. They declare the Pope, bishops, priests, monks and nuns dedicated to God, as well as the whole body of the clergy, hateful to the laity, and reject the whole ecclesiastical system; they heap ignominies upon it, and accuse it of the most enormous crimes. Moreover with foul mouths they attack kings and princes, and whoever is in authority,—those whom the apostle bade us obey even if they were not righteous.

They claim, indeed, to oppose abuses, which are obviously enough to be found every where in this world, and would cut off superfluous ceremonies and bring everything back to a state in accordance with apostolic tradition; they claim to inculcate real respect for the Christian religion and reintroduce original customs. Especially, having thrown aside human institutions, they emphasize only evangelical teaching, rejecting the salutary provisions of the law and the canons. They regard anything as permissible to them, on the pretext of christian liberty, and petulantly throw aside temporal and spiritual jurisdiction and censures alike. They hold satisfaction for sins, purgatory, confession, penance (*pœnitentia*), fasts, canonical hours and other pious devotions, the intercession of the saints, the intercession for souls, and indulgences, to be mere

inventions of man, and hold them in scorn as idle catch-pennies. However, in their mad longing for novelties, they either push the original customs of the church too far or change them in accordance with their evil desires. All order being thus done away with, they refuse obedience to those in authority, promote schism, excite tumults and, confusing heaven and earth, produce universal anarchy.

To describe the object of these monsters of depravity in a word, they strive to introduce whatever in the way of error has hitherto been condemned singly, in one great filthy mass of shame [*in hanc spurcam omnium flagitiorum sentinam congestam*]. And yet these things, enormous and impious as they are, and which must seem execrable to every right-minded Christian, still have their pertinacious advocates, not only laymen, but, as we must confess with great heaviness of heart, priests as well, both regular and secular, who, forgetful of their position and vows, embrace these novelties as ardently as if they were dictated by the Holy Spirit. They persuade the people, moreover, who are always credulous and ready for change, and drag them in a pitiable fashion towards the abyss of damnation. The people are in this way led precipitately to accept Luther's teachings, so that anything they understand to be from Luther they straightway regard as gospel truth, and look upon anything not from Luther as necessarily opposed to the gospel. * * * * * We, therefore, command you strictly that, first, you should in your own prayers and through those of your flock supplicate God to remove the cause of the aforesaid evils. * * * * * Secondly, that you diligently exhort this same people, committed to your care, priests and clerks, as well as both sexes of the laity, and lead them by salutary admonition and the word of truth (not by the violence of recrimination) that they should not hereafter venture in any way publicly or privately to support, teach, argue or discuss the above-mentioned Lutheran teaching, nor shall you yourselves dare to do this, or permit it to be done in any church, dwelling, assembly or elsewhere. But prevent this so far as possible, and observe and cause to be observed the venerable rites of the church, taught by the apostles of Christ and the holy fathers and prompted by the holy spirit, which have now for many centuries been recognized by the religious consensus of the whole Christian world. Nor shall you presume to violate or change in any way any rule instituted by the Church, or, so far as in you lies to prevent, allow others to do so.¹

¹The letter closes with a malediction upon all who shall refuse to obey the instructions.

THE TWELVE ARTICLES OF THE PEASANTS.

The great peasant war affords a serious commentary upon the general social and economic conditions in Germany at the opening of the Reformation. The abuses were, however, of long standing, and several local revolts had taken place before 1525. Even the religious element so prominent in "the 12 articles" was not new, and can easily be traced back to a period antedating the publication of Luther's Theses. The religious crisis bore, therefore, somewhat the same relation to the terrible outbreak of the slowly developed discontent that the financial crisis in France (the immediate reason for assembling the States General in 1789) bore to the great democratic movement of reform which constituted the essence of the French Revolution.

The articles given below are the sober manifesto of the conservative party, and closely resemble the local cahiers of the third estate which were drawn up in France in 1789. Much more radical schemes than "the 12 articles" were, however, drafted, providing for a complete revision of the constitution of the German Empire. These latter did not confine themselves to the complaints of the discontented peasants but included those of other classes as well.¹

In the translation the editors have availed themselves so far as possible of the partial translation of the articles given in Gieseler's Ecclesiastical History, vol. v, pp. 347 ff. (of the Edinburgh edition).

From the German of the period, in Oechsle: *Beiträge zur Geschichte des Bauernkrieges* (Heilbronn, 1830) pp. 246 ff.

The fundamental and correct chief articles of all the peasants and of those subject to ecclesiastical² lords, relating to those matters in which they feel themselves aggrieved.

M cccc. quadratum, lx et duplicatum

V cum transibit, christiana secta peribit.

Ein M, vier c, zwei l darbey.

Und ein x das zwifach sey.

Bald man ein v dartzu ist schreyben

Werden nit souil secten des christen bleyben.

Peace to the Christian Reader and the Grace of God through Christ.

There are many evil writings put forth of late which take occasion, on account of the assembling of the peasants, to cast scorn upon the Gospel, saying: Is this the fruit of the new teaching, that no one should obey but all should everywhere rise in revolt, and rush together to reform, or perhaps destroy entirely, the authorities, both ecclesiastical

¹ For a very interesting example see Oechsle, pp. 163 ff and 283 ff.

² The version printed in Bensen's *Geschichte des Bauernkrieges in Ostfranken*, (1840) pp. 514 ff. adds: "and lay lords." The same version omits the characteristic but untranslatable rhymes.

and lay? The articles below shall answer these godless and criminal fault-finders, and serve in the first place to remove the reproach from the word of God and, in the second place, to give a Christian excuse for the disobedience or even the revolt of the entire Peasantry. In the first place the Gospel is not the cause of revolt and disorder, since it is the message of Christ, the promised Messiah, the Word of Life, teaching only love, peace, patience and concord. Thus, all who believe in Christ should learn to be loving, peaceful, long-suffering and harmonious. This is the foundation of all the articles of the peasants (as will be seen) who accept the gospel and live according to it. How then can the evil reports declare the Gospel to be a cause of revolt and disobedience? That the authors of the evil reports and the enemies of the Gospel oppose themselves to these demands is due not to the Gospel but to the Devil, the worst enemy of the Gospel, who causes this opposition by raising doubts in the minds of his followers; and thus the word of God, which teaches love, peace and concord, is overcome. In the second place, it is clear that the peasants demand that this Gospel be taught them as a guide in life, and they ought not to be called disobedient or disorderly. Whether God grant the peasants (earnestly wishing to live according to his word) their requests or no, who shall find fault with the will of the Most High? Who shall meddle in his judgments or oppose his majesty? Did he not hear the children of Israel when they called upon him and save them out of the hands of Pharaoh? Can he not save his own to-day? Yea, he will save them and that speedily. Therefore, Christian reader, read the following articles with care and then judge. Here follow the articles :

The First Article,—First, it is our humble petition and desire, as also our will and resolution, that in the future we should have power and authority so that each community should choose and appoint a pastor, and that we should have the right to depose him should he conduct himself improperly. The pastor thus chosen should teach us the Gospel pure and simple, without any addition, doctrine or ordinance of man. For to teach us continually the true faith will lead us to pray God that through his grace this faith may increase within us and become a part of us. For if his grace work not within us we remain flesh and blood, which availeth nothing; since the Scripture clearly teaches that only through true faith can we come to God. Only through his mercy can we become holy. Hence such a guide and pastor is necessary, and in this fashion grounded upon the Scriptures.

The Second Article.—According as the just tithe is established by the Old Testament and fulfilled in the New, we are ready and willing to pay the fair tithe of grain. The word of God plainly provides that in giving according to right to God and distributing to his people the services of a pastor are required. We will that for the future our church provost, whomsoever the community may appoint, shall gather and receive this tithe. From this he shall give to the pastor, elected by the whole community, a decent and sufficient maintenance for him and his (*im und den seynen*), as shall seem right to the whole community [*or, with the knowledge of the community*]. What remains over shall be given to the poor of the place, as the circumstances and the general opinion demand. Should anything farther remain, let it be kept, lest anyone should have to leave the country from poverty. Provision should also be made from this surplus to avoid laying any land tax on the poor. In¹ case one or more villages have themselves sold their tithes on account of want, and the village has taken action as a whole, the buyer should not suffer loss, but we will that some proper agreement be reached with him for the repayment of the sum by the village with due interest. But those who have tithes which they have not purchased from a village, but which were appropriated by their ancestors, should not, and ought not, to be paid anything farther by the village, which shall apply its tithes to the support of the pastors elected as above indicated, or to solace the poor, as is taught by the Scriptures. The small tithes, whether ecclesiastical or lay, we will not pay at all, for the Lord God created cattle for the free use of man. We will not, therefore, pay farther an unseemly tithe which is of man's invention.

The Third Article.—It has been the custom hitherto for men to hold us as their own property, which is pitable enough, considering that Christ has delivered and redeemed us all, without exception, by the shedding of his precious blood, the lowly as well as the great. Accordingly, it is consistent with Scripture that we should be free and wish to be so. Not that we would wish to be absolutely free and under no authority. God does not teach us that we should lead a disorderly life in the lusts of the flesh, but that we should love the Lord our God and our neighbor. We would gladly observe all this as God has commanded us in the celebration of the communion.² He has not commanded

¹ The following two sentences are somewhat obscure in the original.

² A reference to the gospel of John, Chap. XIII.

us not to obey the authorities, but rather that we should be humble, not only towards those in authority, but towards everyone. We are thus ready to yield obedience according to God's law to our elected and regular authorities in all proper things becoming to a Christian. We, therefore, take it for granted that you will release us from serfdom, as true Christians, unless it should be shown us from the Gospel that we are serfs.

The Fourth Article.—In the fourth place it has been the custom heretofore, that no poor man should be allowed to touch venison or wild fowl, or fish in flowing water, which seems to us quite unseemly and unbrotherly, as well as selfish and not agreeable to the word of God. In some places the authorities preserve the game to our great annoyance and loss, recklessly permitting the unreasoning animals to destroy to no purpose our crops, which God suffers to grow for the use of man, and yet we must remain quiet. This is neither godly nor neighborly. For when God created man he gave him dominion over all the animals, over the birds of the air and over the fish in the water. Accordingly it is our desire if a man holds possession of waters that he should prove from satisfactory documents that his right has been unwittingly acquired by purchase. We do not wish to take it from him by force, but his rights should be exercised in a Christian and brotherly fashion. But whosoever cannot produce such evidence should surrender his claim with good grace.¹

The Fifth Article.—In the fifth place we are aggrieved in the matter of wood-cutting, for the noble folk have appropriated all the woods to themselves alone. If a poor man requires wood he must pay double for it, [*or perhaps*, two pieces of money]. It is our opinion in regard to a wood which has fallen into the hands of a lord, whether spiritual or temporal, that unless it was duly purchased it should revert again to the community. It should, moreover, be free to every member of the community to help himself to such firewood as he needs in his own home. Also, if a man requires wood for carpenter's purposes he should have it free, but with the knowledge of a person appointed by the community for that purpose. Should, however, no such forest be at the disposal of the community, let that which has been duly bought be administered in a brotherly and Christian manner. If the forest,

¹ Compare the above with the Art. II-IV of the decree abolishing the Feudal System in France, August 1789. Translations and Reprints, Vol. I, No. 5, p. 3.

although unfairly appropriated in the first instance, was later duly sold, let the matter be adjusted in a friendly spirit and according to the Scriptures.

The Sixth Article.—Our sixth complaint is in regard to the excessive services demanded of us, which are increased from day to day. We ask that this matter be properly looked into so that we shall not continue to be oppressed in this way, and that some gracious consideration be given us, since our forefathers were required only to serve according to the word of God.

The Seventh Article.—Seventh, we will not hereafter allow ourselves to be farther oppressed by our lords, but will let them demand only what is just and proper according to the word of the agreement between the lord and the peasant. The lord should no longer try to force more services or other dues from the peasant without payment, but permit the peasant to enjoy his holding in peace and quiet. The peasant should, however, help the lord when it is necessary, and at proper times, when it will not be disadvantageous to the peasant, and for a suitable payment.

The Eighth Article.—In the eighth place, we are greatly burdened by holdings which cannot support the rent exacted from them. The peasants suffer loss in this way and are ruined; and we ask that the lords may appoint persons of honor to inspect these holdings, and fix a rent in accordance with justice, so that the peasant shall not work for nothing, since the laborer is worthy of his hire.

The Ninth Article.—In the ninth place, we are burdened with a great evil in the constant making of new laws. We are not judged according to the offence, but sometimes with great ill will, and sometimes much too leniently. In our opinion we should be judged according to the old written law, so that the case shall be decided according to its merits, and not with partiality.

The Tenth Article.—In the tenth place, we are aggrieved by the appropriation by individuals of meadows and fields which at one time belonged to a community. These we will take again into our own hands. It may, however, happen that the land was rightfully purchased, but when the land has unfortunately been purchased in this way, some brotherly arrangement should be made according to circumstances.

The Eleventh Article.—In the eleventh place we will entirely abolish the due called *Todfall* [*i. e.*, heriot], and will no longer endure it, nor allow widows and orphans to be thus shamefully robbed against

God's will, and in violation of justice and right, as has been done in many places, and by those who should shield and protect them. These have disgraced and despoiled us, and although they had little authority they assumed it. God will suffer this no more, but it shall be wholly done away with, and for the future no man shall be bound to give little or much.

Conclusion.—In the twelfth place it is our conclusion and final resolution, that if any one or more of the articles here set forth should not be in agreement with the word of God, as we think they are, such article we will willingly recede from, when it is proved really to be against the word of God by a clear explanation of the Scripture. Or if articles should now be conceded to us that are hereafter discovered to be unjust, from that hour they shall be dead and null and without force. Likewise, if more complaints should be discovered which are based upon truth and the Scriptures, and relate to offences against God and our neighbor, we have determined to reserve the right to present these also, and to exercise ourselves in all Christian teaching. For this we shall pray God, since he can grant this, and he alone. The peace of Christ abide with us all.

SECRET INSTRUCTIONS OF CHARLES V. TO HIS VICE-CHANCELLOR, MATTHIAS HELD.

In August 1535, Charles V. returned to Italy after a successful campaign against the Mohammedan Pirates, who had taken possession of Tunis, to find his enemy, Francis I. of France, upon the point of invading Savoy and Piedmont, and ready to reassert his old claims on the Duchy of Milan, which had been reluctantly surrendered in the treaty of Cambrai. Charles submitted proposals for avoiding a war, suggesting a personal conflict between himself and Francis, which should settle once for all the question of Burgundy and Milan. Francis proceeded, however, to take possession of Piedmont, including the city of Turin. Charles moved northward, and, with the enthusiastic approbation of his soldiers, resolved to invade France. The invasion, July—September, 1536, ended in the disastrous retreat of the Emperor, who had accomplished nothing, owing partly to the fact that Francis had himself mercilessly devastated the Southeastern part of France in order to increase Charles' difficulties. The Emperor was thus in an especially discouraged mood in October, 1536, when the document here given was drawn up. Francis would hear of no accommodation, and in the succeeding January "Charles of Austria" was summoned to Paris to do homage to the French King for Flanders and Artois, which, it was claimed, were again vested in France by reason of Charles' violation of the Peace of Cambrai. Protestants had, moreover, just extended the Schmalkaldic League and restored a Protestant prince in Würtemberg.

From the French ; Lanz : *Correspondenz des Kaisers Karl V.*, II, pp. 268 ff.
October, 1536.

In addition to the instructions which you, Messire Mathias Held, our dear and faithful councillor and Vice-Chancellor of the Empire, have already received, drawn up in German, and relating to the business for which we have sent you to Germany, we think it essential to confide in you the following secret instructions, which you are to impart confidentially to the king, our good brother, and to the most reverend cardinal of Trent, without, however, allowing the matter to reach the ears of any one else.

First you shall inform my lord, our brother, concerning what you saw and heard of public matters up to the time of your departure, and of the existing relations with the pope, the Venetians, and other powers of Italy, as well as with the kings of France and of England. Of these matters we shall say no more here since we do not wish to lengthen this instruction unduly, and are, moreover, expecting more exact information of the status of affairs. You will also speak of the conditions in Flanders, and of various other matters which can be more advantageously communicated by you than written.

The information which you might otherwise convey to our brother, as to the policy which we desire and are in a position to adopt, cannot well be formulated without learning first what action the said king of France will take in regard to peace and the conditions which we have offered in the case of Milan. These you have seen, and of them you have a copy. We must, moreover, learn what farther violence the said king will resort to. Inform our brother of the measures we have taken to learn as soon as possible if matters can be arranged. He must, moreover, be made aware of the measures which the pope, the Venetians and the other powers will take should the king of France obstinately continue the war. It is further very essential to learn the aim and intentions of the electors, princes and estates of the Empire in respect to the matters with which you are commissioned, not only as regards the question of the faith, but concerning the sympathy and assistance which we may expect and hope from them. You must exercise the greatest diligence and prudence in this matter, and inform us of the disposition which you find.

In view of the ill-will which the king of France has always shown, and the frequent negotiations for peace which have come to naught, we are inclined to doubt whether any results will be reached in the present

case, hence it is especially important that you should make every effort to learn what can be done to gain the favor and assistance of Germany in case of the continuance of the war.

It must always be kept in mind that the division in Germany is at bottom entirely due to the controversy in regard to our holy religion. This prevents Germany from being united as it should be in obedience to us and the holy Empire. This encourages the king of France, moreover, to persist in the war, and furnishes him an obvious excuse for impeding, in a most unwarrantable fashion, the meeting of the council. The confusion may even become worse in view of the said king's favorable attitude towards the Turks, should no means be found to restore peace. This point must be emphasized in Germany, and some agreement ought to be reached as to the measures which should be adopted in case the pope, through the influence of the said king of France or through fear on the part of the Holy Father of losing his authority in the kingdom of France,¹ should refuse to consent to the calling of the council, on the ground of the war between us and the king of France, or for other reasons. To say the truth it would seem, in spite of the evil deeds of the king of France, which are notorious and proven beyond the chance of doubt, that the Holy Father does not care to take any measure against the king, but that he will, in a word, remain neutral until he discovers which is in the wrong, as if the king of France had committed no offences up to the present and our actions belonged in the same category as his. He would seem to excuse himself and escape responsibility on the ground that he ought to arbitrate between us as a father and that, especially, he fears the loss of his authority in France. He may in this way be simply disguising the partiality which he constantly showed towards France before he became pope.

It is, however, none the less true that, in spite of the anxiety caused by the attitude of the Holy Father and the obstinacy of the king of France, we do not wish to use our power in any way against the apostolic authority and dignity, or do anything prejudicial, directly or indirectly, to the essentials of our religion or the holy Catholic institutions. But we see clearly that should the pope continue to maintain his attitude of indifference or dissimulation, and not frankly consent to a council, it is all the more necessary that some means should be devised as soon as possible to prevent an increase of confusion in Germany, which will

¹ Henry VIII. had but just thrown off the allegiance to the popes.

cause the destruction both of religion and the imperial authority. Owing to this disorder we are prevented from doing anything for Christianity itself or towards the defence against the Turks, whom the king of France is constantly encouraging. Our power is thus paralyzed to an extent which manifestly jeopardizes our realms and estates and those of our brother.

For these reasons, while maintaining the great secrecy which the affair demands, you should confer very particularly with my lord our brother, as to whether there be any way of celebrating the council, should Germany consent, even if the said pope and king of France should not agree to it, and as to how this may be done and with what certainty. This would seem to be a plan based upon perfect right and reason, and all the more, because the Holy Father has already promised a council and pledged himself expressly for the king of France.¹ The principal need of a council is, moreover, for the German nation. The king of Portugal will consent to and support the plan, as will probably the king of Poland, and the most of the powers of Italy. As for England, since it is utterly schismatic, the pope and the king of France cannot validly allege against the legitimacy of the council the fact that that country was not included.

Should the resort to a council in Germany, with the approbation of all or the greater part of that nation, prove impracticable, it should be determined whether there is not some other expedient, for example, to assure those who have fallen from the faith that no further coercion will be used if they will but sincerely conform with the other members of Germany in maintaining peace at home and in coöperating with our said brother and ourselves, or might not the treaty of Nuremberg be modified, or such a new one drawn up as the change of times and altered circumstances might dictate. Or may it not be advisable to call a national assembly in Germany and adjust, or neglect (*dissimuler*²), such matters as may not be essential to our holy religion. Or let some other expedient be devised so that the imperial, Roman authority be not sacrificed, as well as our said brother and ourselves, even should it not supply a remedy in the matter of religion. For we can but wait until God grants such remedy as he shall judge fitting to his holy ser-

¹The editors cannot be sure that this is the proper rendering of the obscure passage in the original.

²How much the Emperor meant frankly to concede cannot be inferred from his vague language.

vice, since he knows the regret with which our said brother and we behold the sad state of affairs, and that our aim and desire is to serve him and apply ourselves to cure the existing evils so soon as any means shall offer themselves.

We are thus placed in a difficult and critical position, for we cannot have peace if our enemy does not consent, for, as it is well known, he is as obstinate as he is powerful, and regards neither God nor good faith, placing his chief hope in the division of Germany and the difference in religious matters which exists there, as well as in the approach of the Turk, whom, as it is reported, he spares no efforts to encourage. In view of this it behooves our brother to turn his attention to this matter, since everything is at stake, and to find some way of settling his difficulties in Hungary, and any other complications in which he may be involved. For it would be quite impossible for us to lend him any assistance, being, as we are, far in arrears for the outlays we have been forced to make in the past. Our kingdoms and countries are so surcharged with burdens that we do not know where we are to look for the absolutely necessary means of continuing this war. This is one of the chief motives which induces us to return to our Spanish kingdoms in order to take council there as to what may be done.¹

EXAMPLES OF THE CANONS OF THE COUNCIL OF TRENT.

From the Latin. Richter : *Canones et Decreta Concil. Trid.*

The formal codification of the doctrines and ordinances of the Roman Catholic Church was one of the most interesting and important results of the great schism of the sixteenth century. In spite of the protest of two catholic princes at least, Ferdinand I. and the King of France, who advocated some concessions to the demands of their subjects, the Council of Trent adhered to a strictly conservative policy. The method of codification took a positive and a negative form. When a matter had been sufficiently discussed the results were ratified in a solemn session in a series of *chapters* setting forth the accepted view of the church. Following these a series of *canons* were generally drawn up in which those holding various special opinions were declared accursed. A few examples of these decrees are given below, illustrating the central dogmas upon which the sacerdotal and sacramental organization rests.

¹ The concluding paragraphs here omitted relate to a truce with Saxony and the Danish affairs, and the document closes with a suggestion that the emissaries of the king of France in Germany be cautiously arrested.

Twenty-third Session, Chapter IV.—Inasmuch as in the sacrament of Orders, as also in Baptism and Confirmation, a character is imprinted which can neither be effaced nor taken away, this holy council with reason condemns the opinions of those who assert that the priests of the New Testament have only a temporary power; and that those who have once been properly ordained can again become laymen, if they do not exercise the ministry of God. And if anyone affirm that all Christians indiscriminately are priests of the New Testament, or that they are all mutually endowed with an equal spiritual power, he clearly does nothing but confound the ecclesiastical hierarchy,—which is “as an army set in array;”—as if, contrary to the doctrine of blessed Paul, “all were apostles, all prophets, all evangelists, all pastors, all doctors.” Wherefore this holy Synod declares that, besides the other ecclesiastical degrees, bishops, who have succeeded to the place of the apostles, especially belong to this hierarchical order; that they are placed, as the same apostle says, “by the Holy Ghost, to rule the Church of God,” that they are superior to priests, administer the sacrament of Confirmation, ordain the ministers of the Church; and that they can perform very many other things, over which functions others of an inferior order have no power. Furthermore, the sacred and holy synod teaches that, in the ordination of bishops, priests, and of the other orders, neither the consent, nor vocation, nor authority, whether of the people or of any civil power or magistrate whatsoever, is required in such wise that, without this, the ordination is invalid: nay, rather doth it decree that all those who being once called and instituted by the people, or by the civil power and magistrate, ascend to the exercise of the ministrations, and those who of their own rashness assume them to themselves, are not ministers of the Church, but are to be looked upon as “thieves and robbers, who have not entered by the door.”

Twenty-third Session, Canon I.—If any one shall say that the New Testament does not provide for a distinct, visible priesthood, or that this priesthood has no power to consecrate and offer up the true body and blood of the Lord, or remit or refuse to remit sins, but that its sole function is that of preaching the Gospel, and that those who do not preach are not priests, let him be anathema.

Twenty-third Session, Canon IV.—If any one shall say that the Holy Spirit is not given by holy ordination and that consequently the Bishops say in vain “Receive ye the Holy Spirit,” and that certain characteristics are not thereby conferred, or that he who has once been a priest can ever be made a layman again, let him be anathema.

Seventh Session, Of the Sacraments, Canon I.—If any one saith that the sacraments of the New Law were not all instituted by Jesus Christ, our Lord ; or that they are more or less than seven, to-wit, Baptism, Confirmation, the Eucharist, Penance, Extreme Unction, Orders and Matrimony ; or even that any one of these seven is not truly and properly a sacrament, let him be anathema.

Canon VI.—If anyone saith that the sacraments of the New Law do not contain the grace which they signify ; or that they do not confer that grace on those who do not place an obstacle thereunto ; as though they were merely outward signs of grace or justice received through faith, and certain marks of the Christian profession, whereby believers are distinguished amongst men from unbelievers, let him be anathema.

Canon VIII.—If anyone saith that by the said sacraments of the New Law grace is not conferred through the very performance of the act [*ex opere operato*], but that faith alone in the divine promise suffices for the obtaining of grace, let him be anathema.

Canon IX.—If anyone saith that in the three sacraments, to-wit, Baptism, Confirmation, and Orders, there is not imprinted in the soul a character, that is, a spiritual and indelible sign, on account of which they cannot be repeated, let him be anathema.

Canon X.—If anyone saith that all christians have power to administer the word and all the sacraments, let him be anathema.

Canon XII.—If anyone saith that a minister, being in mortal sin— if so be that he observe all the essentials which belong to the effecting or conferring of the sacrament—neither effects nor confers the sacraments, let him be anathema.

Thirteenth Session, Chapter IV.—Since Christ our Redeemer declared that it was truly his body which he offered up in the form [*sub specie*] of bread, and since the Church has moreover always accepted this belief, this holy council declares once more that by the consecration of the bread and the wine the whole substance of the bread is converted into the substance of the body of Christ our Lord, and the whole substance of the wine into the substance of his blood, which change is aptly and properly termed transubstantiation by the Catholic Church.

Thirteenth Session, Canon I.—If any one shall deny that the body and blood of our Lord Jesus Christ together with his spirit and divinity, to-wit, Christ all in all, are not truly, really and materially contained in the holy sacrament of the Eucharist, and shall assert that the Eucharist is but a symbol or figure, let him be anathema.

Thirteenth Session, Canon VI.—If any one shall say that Christ, the only-begotten son of God, is not to be worshipped with the highest form of adoration [*Latria*] including external worship, in the holy sacrament of the Eucharist, or that the Eucharist should not be celebrated by a special festival, nor borne solemnly about in procession according to the praiseworthy and universal rite and custom of the holy Church, nor held up publicly for the veneration of the people and that those who adore it are idolaters, let him be anathema.

Twenty-Second Session, Canon III.—If any one shall say that the sacrifice of the mass is only a praiseworthy deed or act of edification, or that it is simply in commemoration of the sacrifice on the cross and is not in the nature of a propitiation; or that it can benefit only him who receives it, and ought not to be offered for the living and the dead, for sins, punishment, atonement and other necessary things, let him be anathema.

INTRODUCTORY BIBLIOGRAPHY.*

Häusser, Ludwig: The Period of the Reformation. American Tract Society.

Translated from the German.

This work is the stenographic report of the lectures delivered by one of the most popular of German professors before his students at Heidelberg. His style is admirably clear and his material is selected with skill. As a concise account of the German Reformation from a Protestant standpoint, this is, with Seebohm's volume mentioned below, likely to prove the best introduction to the subject for the beginner.

Notes on Books in English Relating to the Reformation. By Prof. George P. Fisher. 16 mo. Scribners.

Fisher, George P., The Reformation. 8 vo. Scribners.

Probably the best American work, covering the whole Reformation period. Contains in appendices a chronological table and list of works upon the Reformation.

Seebohm, Frederic: The Era of the Protestant Revolution. 16 mo. Scribners (Epochs Series).

A condensed history of the Reformation period in Europe, of special value as an outline for class work, and useful to the general reader who has already an acquaintance with the general political and social events of the period.

(*) Only a few of the most important and accessible works can be mentioned here from the vast mass of material relating to the Reformation. The student wishing an extended bibliography will turn to DAHLMANN-WAITZ, *Quellenkunde*, 6th Ed., pp. 344, ff., or to the bibliographies given in Vol. IV. of the *Histoire Générale*, edited by Professors Lavissee and Rambaud.

Ranke, Leopold: The History of the Reformation in Germany. Translated from the German by Sarah Austin. 3 vols.

Only three volumes, reaching the year 1535, of the six volumes of the original (*Deutsche Geschichte im Zeitalter der Reformation*) are included in the English version, which was never completed. Volume six of the original is, however, devoted entirely to documents.

Bezold: Geschichte der deutschen Reformation. Berlin 1887-90. 2 vols. Beautifully illustrated, but contains no bibliographical references.

This and Ranke's work are the two standard treatments of the period.

Baumgarten, H.: Geschichte Karls V. Vols. 1-3. (1885-92.)

This important work was interrupted by the author's death. It reaches, however, the year 1539.

Creighton: A History of the Papacy During the Period of the Reformation. Vol. V. (Longmans.)

This is one of the most remarkable historical works relating to continental history ever produced in England. The author has construed the "period of the Reformation" so liberally that it is only with the beginning of the fifth volume that he reaches the opening of Luther's public career.

Beard, Charles: Martin Luther and the Reformation to the close of the Diet of Worms. 1 vol. London, 1889.

Very scholarly. The best treatment of the subject in English.

Köstlin, Julius: Martin Luther; sein Leben und seine Schriften.. 2 vols. Berlin, 4th Ed. 1889.

This work is generally regarded as the most scholarly and impartial life of Luther. The author has prepared an abridgment in one volume which has been *translated into English* and published in two versions. The one issued by Charles Scribner's Sons is preferable since it contains a number of interesting facsimiles.

Since the Reformation Period was characterized by the bitterest animosity between the conservative party, which adhered to the Catholic traditions and organization, and the innovating Protestants, no thorough student will neglect the more scholarly works of those historians who sympathize on the whole with the conservatives. Of the valuable contributions made by Catholic writers the following would probably prove most useful:

Janssen, J.: Geschichte der deutschen Volks seit dem Ausgang des Mittelalters. 8 vols.

This is a very suggestive work furnishing much new material which has been laboriously searched out by the author. A French version is in course of publication; and two volumes of an English translation have been issued. B. Header, St. Louis, Mo.

Döllinger: Die Reformation, ihre innere Entwicklung und ihre Wirkungen im Umfange des Lutherischen Bekenntnisses. 3 vols. Regensburg, 1846-8.

In this an able historian seeks to prove that at least the early Reformation was regarded as a failure by practically all the cultivated men of the time, and even by Luther himself.

Hefele, Carl J.: Conciliengeschichte, fortgesetzt von J. Cardinal Hergenröther.

Covers the period from 1518-1536, and may be used to supplement the preceding Catholic writers.

Spalding, History of the Protestant Reformation. Baltimore, (n. d.)

Accessible examples of illustrative documents may be found in the following:

First Principles of the Reformation or the Three Primary Works of Dr. Martin Luther. Edited by Wace and Buchheim. Lutheran Publication Society, Philadelphia.

This collection contains translations of Luther's ringing summons to his countrymen issued in 1520, viz.: The Address to the German Nobility, The Babylonish Captivity of the Church and The Liberty of the Christian. The first especially should be read by every one who would feel the influence of Luther's eloquence and understand why he was accepted as a leader.

The same works have been published in the original by Dr. L. Lemme, *Die drei grossen Reformationsschriften Luther's vom Jahre 1520* (Gotha, 1884), with useful notes.

The Augsburg Confession is to be had in translation from the Lutheran Publication Society, Philadelphia. Price, 10 cents. Especially the second part, in which the reforms are discussed, is extremely valuable to the student.

The German version of the Augsburg Confession can be found in Ranke, *Zeitalter der Reformation*. Vol. VI.

Gieseler: A Compendium of Ecclesiastical History. Vol. V.

This work is little more than a series of voluminous foot-notes in which valuable extracts from the sources are supplied in a convenient form.

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TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II. LIFE OF ST. COLUMBAN, BY THE MONK JONAS. No. 7.

During the sixth and seventh centuries the greatest missionary activity was shown by the Scots who dwelt in Ireland. In that country religion was cherished with greater zeal than elsewhere, and learning was fostered for the sake of the Church. But not content with the flourishing state of Christianity in their own island, the most zealous monks often passed over to the continent. There even the nominal Christians were little inclined to follow the precepts of the religion which they professed. Gaul especially attracted the attention of the bold missionaries from Ireland, and the Irish usages became well established in some parts of the country. Unfortunately almost all the accounts of the missionaries from Ireland have been lost; consequently this biography of Columban is of great value.

Jonas, the author of this life, became a monk at Bobbio, in northern Italy, three years after Columban's death. He was soon employed on this biography, for which he obtained material, as he himself said, from the stories told by the saint's companions. Living as he did, among the latter, his account reflects their feelings faithfully, and we may be certain that he has recorded the events accurately, and has often reproduced the saint's own words. As is usual in such biographies, the miracles are numerous; for the contemporaries these formed the most valuable portions; for modern students they are full of instruction, and throw much light on the daily life of the monks.

The language of Jonas is somewhat bombastic and difficult to put into English. In some cases, the translator has been unable to determine the exact connection of certain clauses with the context. In such sentences he has translated literally, hoping that others might see a connection which he missed. In general, where he suspected any mistake, he has followed the Latin closely. A new and careful collation and transcription of the manuscripts would undoubtedly remove many of the difficulties.

There has been no translation of this life into any modern language before, except a very imperfect rendering of selected passages by Abel in the "*Geschichtschreiber der deutschen Vorzeit*." In this translation the preface, which has little or no importance for the life of the saint, has been omitted from lack of space. All the rest is translated in full. The names of places have generally been modernized, because readers who live far from large libraries, might otherwise lose the geographical information given here.

THE LIFE OF ST. COLUMBAN.

BY THE MONK JONAS.

Mabillon: *Acta Sanctorum Ordinis S. Benedicti*, Vol. I, Venice, 1733, pp. 3-26. Latin.

6. Columban, who is also called Columba, was born on the island of Ireland. This is situated in the extreme ocean and, according to common report, is charming, productive of various nations, and free from the wars which trouble other nations. Here lives the race of the Scots, who, although they lack the laws of the other nations, flourish in the doctrine of Christian strength, and exceed in faith all the neighboring tribes. Columban was born amid the beginnings of that race's faith, in order that the religion, which that race cherished uncompromisingly, might be increased by his own fruitful toil and the protecting care of his associates.

But what happened before his birth, before he saw the light of this world, must not be passed over in silence. For when his mother, after having conceived, was bearing him in her womb, suddenly in a tempestuous night, while she was buried in sleep, she saw the sun rise from her bosom and issuing forth resplendent, furnish great light to the world. After she had arisen from sleep and Aurora rising had driven away the dark shadows from the world, she began to think earnestly of these matters, joyfully and wisely weighing the import of so great a vision; and she sought an increase of consolation from such of her neighbors as were learned, asking that with wise hearts they should examine carefully the meaning of so great a vision. At length she was told by those who had wisely considered the matter, that she was carrying in her womb a man of remarkable genius, who would provide what would be useful for her own salvation and for that of her neighbors.

After the mother learned this she watched over him with so great care that she would scarcely entrust him even to his nearest relatives. So the life of the boy aspired to the cultivation of good works under the leadership of Christ, without whom no good work is done. Nor without reason had the mother seen the shining sun proceed from her bosom, the sun which shines brightly in the members of the Church, the mother of all, like a glowing Phoebus. As the Lord says: "Then shall the righteous shine forth as the sun in the kingdom of their Father." So Deborah, with the voice of prayer, formerly spoke to the

Lord, by the admonition of the Holy Spirit, saying : " But let them that love Thee be as the sun when he goeth forth in his might."

For the milky way in the heavens, although it is itself bright, is rendered more beautiful by the presence of the other stars ; just as the daylight, increased by the splendor of Phoebus, shines more benignantly upon the world. So the body of the Church, enriched by the splendor of its Founder, is augmented by the hosts of saints and is made resplendent by religion and learning, so that those who come after draw profit from the concourse of the learned. And just as the sun or moon and all the stars ennoble the day and night by their refulgence, so the merits of the holy priests increase the glory of the Church.

7. When Columban's childhood was over and he became older, he began to devote himself enthusiastically to the pursuit of grammar and the sciences, and studied with fruitful zeal all through his boyhood and youth, until he became a man. But, as his fine figure, his splendid color, and his noble manliness made him beloved by all, the old enemy began finally to turn his deadly weapons upon him, in order to catch in his nets this youth, whom he saw growing so rapidly in grace. And he aroused against him the lust of lascivious maidens, especially of those whose fine figure and superficial beauty are wont to enkindle mad desires in the minds of wretched men.

But when that excellent soldier saw that he was surrounded on all sides by so deadly weapons, and perceived the cunning and shrewdness of the enemy who was fighting against him, and that by an act of human frailty, he might quickly fall over a precipice and be destroyed,—as Livy says, " No one is rendered so sacred by religion, no one is so guarded, that lust is unable to prevail against him,"—holding in his left hand the shield of the Gospel and bearing in his right hand the two-edged sword, he prepared to advance and attack the hostile lines threatening him. He feared lest, ensnared by the lusts of the world, he should in vain have spent so much labor on grammar, rhetoric, geometry and the Holy Scriptures. And in these perils he was strengthened by a particular aid.

8. When he was already meditating upon this purpose, he came to the dwelling of a holy and devout woman. He at first addressed her humbly, afterwards he began to exhort her, as far as lay in his power. As she saw the increasing strength of the youth she said : " I have gone forth to the strife as far as it lay in my power. Lo, twelve years have passed by, since I have been far from my home and have sought out

this place of pilgrimage. With the aid of Christ, never since then have I engaged in secular matters ; after putting my hand to the plough, I have not turned backward. And if the weakness of my sex had not prevented me, I would have crossed the sea and chosen a better place among strangers as my home. But you, glowing with the fire of youth, stay quietly on your native soil ; out of weakness you lend your ear even against your own will, to the voice of the flesh, and think you can associate with the female sex without sin. But do you recall the wiles of Eve, Adam's fall, how Samson was deceived by Delilah, how David was led to injustice by the beauty of Bathsheba, how the wise Solomon was ensnared by the love of a woman ? Away, O youth ! away ! flee from corruption, into which, as you know, many have fallen. For-sake the path which leads to the gates of hell."

The youth, trembling at these words, which were such as to terrify a youth, thanked her for her reproaches, took leave of his companions and set out. His mother in anguish begged him not to leave her. But he said : " Hast thou not heard, ' He that loveth father or mother more than me is not worthy of me ? ' " He begged his mother, who placed herself in his way and held the door, to let him go. Weeping and stretched upon the floor, she said she would not permit it. Then leaping over both threshold and mother he asked his mother not to give way to her grief ; she would never see him again in this life, but wherever the way of salvation led him, there he would go.

9. When he left his birthplace, called by the inhabitants, Lagen-er-land,¹ he betook himself to a holy man named Sinell, who at this time was distinguished among his countrymen for his unusual piety and knowledge of the Holy Scriptures. And when the holy man saw that St. Columban had great ability, he instructed him in the knowledge of all the Holy Scriptures. Nevertheless, as was usual, the master attempted to draw out the pupils under false pretences, in order that he might learn their dispositions, either the glowing excess of the senses, or the torpor induced by slothfulness. He began to inquire into Columban's disposition by difficult questions. But the latter tremblingly, nevertheless wisely, in order not to appear disobedient, nor touched by the vice of the love of vainglory, obeyed his master, and explained in turn all the objections that were made, mindful of that saying of the Psalmist, " Open thy mouth wide and I will fill it." Thus Columban collected such treasures of holy wisdom in his breast

¹ Leinster, in Ireland.

that he could, even as a youth, expound the Psalter in fitting language and could make many other extracts worthy to be sung, and instructive to read.

Then he endeavored to enter a society of monks, and went to the monastery of Bangor.¹ The abbot, the holy Congall, renowned for his virtues, was a faithful father to his monks and was held in high esteem for the fervor of his faith and the order and discipline which he preserved. Here Columban gave himself entirely to fasting and prayer, to bearing the easy yoke of Christ, to mortifying the flesh, to taking the cross upon himself and following Christ, in order that he who was to be a teacher of others might show the learning which he taught more fruitfully by his own example in mortifying his own body ; and that he who was to instruct others might first instruct himself.

After he had been many years in the cloister he longed to go into strange lands, in obedience to the command which the Lord gave Abraham : " Get thee out of thy country, and from thy kindred, and from thy father's house, into a land that I will shew thee." Accordingly he confessed to the venerable father, Congall, the burning desire of his heart and the longing enkindled by the fire of the Lord, concerning which the Lord says : " I am come to send fire on the earth ; and what will I, if it be already kindled ?"² But he did not receive the answer which he wished, for it was hard for Congall to bear the loss of so great a comfort. At length, however, the latter began to conquer himself and to think that he ought not to consider his own need more than the necessities of others. Nor was it done without the will of the Almighty, who had educated His novice for future strifes, in order that He might win glorious triumphs from his victory and secure joyful victories from the phalanxes of slaughtered enemies.

The abbot accordingly called St. Columban, and although sorrowful, he considered the good of others before his own good, and bestowed upon him the bond of peace, the strength of solace and companions who were known for their piety.

10. Having collected a band of brethren, St. Columban asked the prayers of all, that he might be assisted in his coming journey, and that he might have their pious aid. So he started out in the twentieth³

¹ In the County of Ulster, in Ireland.

² Luke xii., 49. I have followed the King James version for the translation. The Vulgate, which is quoted here, reads *quem volo ut ardeat*.

³ More probably, thirtieth. The manuscripts differ.

year of his life, and under the guidance of Christ went to the seashore with twelve companions. Here they waited to see if the mercy of the Almighty would allow their purpose to succeed, and learned that the spirit of the all-merciful Judge was with them. So they embarked, and began the dangerous journey across the channel and sailed quickly with a smooth sea and favorable wind to the coast of Brittany. Here they rested for a while to recover their strength and discussed their plans anxiously, until finally they decided to enter the land of Gaul. They wanted zealously and shrewdly to inquire into the disposition of the inhabitants in order to remain longer if they found they could sow the seeds of salvation; or in case they found the hearts of the people in darkness, go on to the nearest nations.

11. Accordingly, they left Brittany and proceeded into the Gallic lands. At that time, either because of the numerous enemies from without, or on account of the carelessness of the bishops, the Christian faith had almost departed from that country. The creed alone remained. But the saving grace of penance and the longing to root out the lusts of the flesh were to be found only in a few. Everywhere that he went the noble man preached the Gospel. And it pleased the people, because his teaching was adorned by eloquence and enforced by examples of virtue.

So great was his humility and that of his followers, that just as the children of this world seek honor and authority, so they on the contrary vied with one another in the practice of humility, mindful of that saying: "He that humbleth himself shall be exalted," and of the text in Isaiah: "But to this man will I look, even to him that is poor and of a contrite spirit, and trembleth at my word." Such piety and love dwelt in them all, that for them there was only one will and one renunciation.

Modesty and moderation, meekness and mildness adorned them all in equal measure. The evils of sloth and dissension were banished. Pride and haughtiness were expiated by severe punishments. Scorn and envy were driven out by faithful diligence. So great was the might of their patience, love and mildness that no one could doubt that the God of mercy dwelt among them. If they found that one among them was in error, they strove in common, with equal right, to restrain the sinner by their reproaches. They had everything in common. If anyone claimed anything as his own, he was shut out from association with the others and punished by penances. No one dared

to return evil for evil, or to let fall a harsh word ; so that people must have believed that an angelic life was being lived by mortal men. The holy man was revered with so great gratitude that where he remained for a time in a house, all hearts were resolved to practice the faith more strictly.

12. Finally, the reports about Columban spread to the court of king Sigibert, who at this time ruled with honor over the two Frankish kingdoms of Austrasia and Burgundy.¹ The name of the Franks was held in honor above that of any of the other inhabitants of Gaul. When the holy man with his companions appeared before the king, the greatness of his learning caused him to stand high in the favor of the king and court. Finally, the king begged him to remain in Gallic territory, not to go to other peoples and leave him ; everything that he wished should be done. Then he replied to the king that he did not wish to be enriched with the treasures of others, but as far as he was not hindered by the weakness of the flesh to follow the command of the Gospel : “ Whosoever will come after me, let him deny himself and take up his cross and follow me.”

Then the king answered and said : “ If you wish to take the cross of Christ upon you and follow Him, seek the quiet of a hermitage. Only be careful, for the increase of your own reward and for our spiritual good, to remain in our kingdom and not to go to the neighboring peoples.” As the choice was left to him in this manner, he followed the king’s advice and chose for himself a hermitage. At that time there was a great wilderness called *Vosagus*,² in which there was a castle, which had long been in ruins, and which had been called for ages, *Anagrates*.³ When the holy man came to that place, he settled there with his followers, in spite of the entire loneliness, the wilderness and the rocks, mindful of the proverb that, “ Man shall not live by bread alone,” but shall have sufficient food from the bread of life and shall never hunger.

13. While the man of God was in that place with his companions, one of the brethren, either as a test or because of some sin, began to be chastised by a violent fever. Since they had no food except such as the barks and herbs furnished, they began with one mind to desire that all should give themselves up to prayer and fasting for the sake of the welfare of their sick brother. Having now fasted for three days and

¹ Sigibert died 575, and was king only of Austrasia.

² The Vosges.

³ Anegray.

having nothing to refresh their wearied bodies, suddenly they saw a certain man standing before their gate with horses loaded with a supply of bread and condiments. He said that he had been led by a sudden impulse of his heart to bear aid from his own substance to those who were, for Christ's sake, suffering from so great poverty in the wilderness. Therefore, having presented to the man of God what he had brought, he began to ask earnestly that the holy man should pray to God in behalf of his wife, who for a whole year had been burning with so violent a fever that it now seemed impossible that she could be restored to health. As he made his request with an humble and contrite heart, the man of God was unwilling to deny him any comfort, and having called together the brethren he invoked the mercy of God in behalf of that woman. When he and his companions had completed their prayer, the woman who had been in such imminent peril of death, was immediately restored to her health. When her husband had received the benediction from the man of God and had returned home, he found his wife sitting there. He questioned her as to the time when the fever left her and learned that she had been healed at the very hour when the man of God had prayed to the Lord in her behalf.

14. Therefore, after a brief space of time in which they piously endeavored to propitiate Christ and to atone for their evil thoughts, through mortification of the flesh and extreme fasting, they mortified their members to the glory of God, and desired to preserve the inviolate state of their religion. By their extreme severities every lust of the flesh was expelled, so that the plunderer and robber of all virtues fled. Nine days had already passed in which the man of God and his companions had taken no other food than the bark of trees and the roots of herbs. But the compassion of the divine virtue tempered the bitterness of the food. A certain abbot, named Caramtoc, who ruled over a monastery of which the name was *Salicis*, was warned by a vision, that he should bear the necessities of life to God's servant Columban, dwelling in the wilderness. Therefore, Caramtoc rising called his cellarer, Marculf by name, and told him what had happened. The latter replied, "Do as you have been told." Caramtoc therefore ordered Marculf to go and prepare everything that he could, to carry to St. Columban. Marculf, accordingly, having loaded his wagons started out. But when the hour of darkness came on, he sought in vain for a way to continue his journey. Nevertheless, he thought that if the command was from God, the power of the Commander would show the way

to the horses, if they were left to their own guidance. Wonderful power! The horses, advancing, followed an unknown road and in a direct course proceeded to Anegray to the doors of St. Columban. Marculf amazed followed the tracks of the horses, came to the man of God and presented what he had brought. The latter returned thanks to his Creator because He did not neglect to prepare a table for His servants in the wilderness. Therefore, having received a benediction from him, Marculf returned by the path by which he had come and disclosed to all what had happened. Then crowds of people and throngs of the infirm began to crowd about St. Columban in order that they might recover their health and in order to seek aid in all their infirmities. When he was unable to rid himself of their importunities, obeying the petitions and prayers of all, through his prayers and relying upon the divine aid, he healed the infirmities of all who came to him.

15. While the holy man was wandering through the dark woods and was carrying on his shoulder a book of the Holy Scripture, he happened to be meditating. And suddenly the thought came into his mind, which he would prefer, to suffer injuries from men or to be exposed to the rage of wild beasts. While he thought earnestly, frequently signing his forehead with the sign of the cross and praying, he decided that it was better to suffer from the ferocity of wild beasts, without any sin on their part, than from the madness of men who would lose their souls. And while he was turning this over in his mind he perceived twelve wolves approaching and standing on the right and on the left, while he was in the middle. He stood still and said: "Oh, God, come to my aid. Oh, Lord, hasten to aid me!" They came nearer and seized his clothing. As he stood firm they left him untterrified and wandered off into the woods. Having passed through this temptation in safety, he continued his course through the woods. And before he had gone far he heard the voices of many Suevi, wandering in the hidden paths. At this time they were robbing in those places. And so at length by his firmness, having dismissed the temptation, he escaped the misfortune. But he did not know clearly whether this was some of the devil's deceit or whether it had actually happened.

At another time he withdrew from his cell and entering the wilderness by a longer road he found an immense cliff with precipitous sides and rocky paths difficult for men. There he perceived a hollow in the rock. Entering to explore its hidden recesses he found in the interior of the cave the home of a bear, and the bear itself. He ordered

the beast to depart and not to return to that place again. The beast mercifully went, nor did she dare to return again. The place was distant from Anegray seven miles more or less.

16. At one time he was living alone in that hollow rock, separated from the society of others and, as was his custom, dwelling in hidden places or more remotely in the wilderness, so that when the feasts of the Lord or saints' days came, he might, with his mind wholly free from disquieting cares, devote himself to prayer, and might be ready for every religious thought. He was so attenuated by fasting that he scarcely seemed alive. Nor did he eat anything except a small measure of the herbs of the field, or of the little apples which that wilderness produces and which are commonly called *bolluca*. His drink was water. And as he was always occupied with other cares, he could not get this regularly ; at least during the time when he was performing his vows.

A little boy named Domoalis was in his service. This boy went alone to tell the father when certain events happened at the monastery and to carry back his directions to the brethren. When this boy had remained for several days in the hollow of this lofty rock, which was difficult of approach from all directions, he began to complain because he could not get water quickly. It tired his knees to bring it with so great labor through the difficult mountain paths. Columban said to him : " My son, get to work ; make a little hole in the back of the rock. Remember the Lord produced streams of water from a rock for the people of Israel." He obeyed and attempted to make a hole in the rock. The holy man immediately fell upon his knees and prayed to God that He would aid him in his need. At length his prayers were heard ; great power came to him, piously praying. And soon the fountain of water began to flow regularly and it remains to this day.

And not undeservedly has the merciful Lord granted the prayers of His saints, who on account of His commands have crucified their own wills, and who have so great faith that they do not doubt that they will obtain what they demand from His mercy. Because He has promised : " If ye have faith as a grain of mustard seed, ye shall say unto this mountain, remove hence to yonder place ; and it shall remove ; and nothing shall be impossible unto you." And elsewhere : " What things soever ye desire, when ye pray, believe that ye will receive them, and ye shall have them."

17. As the number of monks increased greatly, he sought in the same wilderness a better location for a convent. He found a place for-

merly strongly fortified, which was situated about eight miles from the first abode, and which had formerly been called *Luxovium*.¹ Here were baths constructed with unusual skill. A great number of stone idols, which in the old heathen times had been worshiped with horrible rites, stood in the forest near at hand. Here then the excellent man began to build a monastery. At the news of this people streamed in from all directions in order to consecrate themselves to the practice of religion, so that the large number of monks scarcely had sufficient room. The children of the nobles from all directions strove to come thither; despising the spurned trappings of the world and the pomp of present wealth, they sought eternal rewards. Columban perceived that the people were rushing in from all directions to the remedy of penance, and that the walls of one monastery could with difficulty hold so great a throng of converts. Although they were of one purpose and heart, yet one monastery was insufficient for the abode of so great a number. Accordingly he sought out another spot especially remarkable for its bountiful supply of water and founded a second convent to which he gave the name of *Fontanas*.² In this he placed men whose piety could not be doubted. After he had settled the bands of monks in these places, he stayed alternately at the two convents, and full of the Holy Ghost, he established the rule which they were to follow. From this rule the prudent reader or listener may learn the extent and character of the holy man's learning.³

18. At that time a brother, named Autierin, asked to be allowed to make a pilgrimage into Ireland. Columban said, "Let us go into the wilderness and try to learn the will of God, whether you ought to go on the journey as you desire or remain in the assembly of the brethren." Accordingly they went forth and took with them a third youth, named Somarius, who is still alive. They went to the place in the wilderness that had been fixed upon, taking with them only a single loaf. When twelve days had passed, and nothing remained from the fragments of bread, and the time for breaking their fast was approaching, they were commanded by the father to go through the rocky cliffs and down to the bottom of the valleys and to bring back whatever they found that was suitable for food.

¹ Luxeuil in the department of Haute Saône.

² Fontaines.

³ The rule can be found in Migne, *Patrologia*, vol. lxxx; cf. note, p. 36.

They went joyfully through the sloping valleys, down to the Moselle and found some fishes which had been caught previously by fishermen and were floating about on the water. Approaching, they found five large fishes, and taking three, which were alive, they carried them back to the father. But he said, "Why did you not bring five?" They replied, "We found two dead, so we left them." But he said, "You shall not eat of these until you bring those which you left." They, struck with wonder at the fullness of the divine grace, traversed again their dangerous path and chid themselves for leaving the manna which they had found. Afterwards they were ordered to cook the food. For, filled with the Holy Ghost, the father knew that the food had been prepared for himself by God.

19. At another time he was staying in the same wilderness, but not in the same place. Fifty days had already elapsed and only one of the brethren named Gall was with him. Columban commanded Gall to go to the Brusch and catch fish. The latter went, took his boat and went to the Loignon river. After he had gotten there, and had thrown his net into the water he saw a great number of fishes coming. But they were not caught in the net, and went off again as if they had struck a wall. After working there all day and not being able to catch a fish, he returned and told the father that his labor had been in vain. The latter chid him for his disobedience in not going to the right place. Finally he said, "Go quickly to the place that you were ordered to try." Gall went accordingly, placed his net in the water, and it was filled with so great a number of fishes, that he could scarcely draw it.

20. At another time he was staying in the hollow of the rock mentioned above, from which he had expelled the bear, and for a long time he had been mortifying the flesh with prayer and fasting. By a revelation he learned that the brethren, who were near Luxeuil, were suffering from various diseases and only enough remained to care for the sick. Leaving his den, he went to Luxeuil. When he saw the afflicted, he commanded them all to rise and to thresh out the harvest on the threshing ground. Then those whose consciences were kindled by the fire of obedience arose and going to the threshing-place, attempted, full of faith to thresh out the grain on the ground. The father seeing that they were full of faith and the grace of obedience, said, "Cease and rest your limbs, weakened by sickness." They obeyed, wondering at their recovery, for no trace of the diseases

remained; and they prepared the tables as he commanded, that all might be strengthened by a joyful banquet. Then Columban chid the disobedient, showed them the inadequacy of their faith and announced the long continuance of their illness. Wonderful revenge! For the disobedient were so ill for an entire year that they barely escaped death. They accomplished the full measure of penance from the time when they were disobedient.

21. Meanwhile the time had come for gathering the crops into the storehouses, but the violent winds did not cease to pile up clouds; nevertheless it was urgently necessary to gather the crops so that the ears of grain should not rot upon the stalks. The man of God was at the monastery of Fontaines, where a new field had yielded a very rich crop. Violent blasts piled up the rain-clouds, and the heavens did not cease to pour down the rain upon the earth. The man of God considered anxiously what he ought to do. Faith strengthened his mind and taught him how to command the fitting thing. He summoned all and ordered them to reap the crop. They wondered at the father's command and no one understood his purpose. All came with their reaping-hoods to cut the grain in the midst of the rain and watched to see what the father would do. He placed at the four corners of the field, four very religious men, Comininus, Eunocus and Equanacus, who were Scots, and the fourth Gurganus, a Briton. Having arranged them, he himself with the others cut the grain in the middle. Wonderful virtue! The shower fled from the grain and the rain was scattered in every direction. The warm sun poured down upon those who were reaping in the middle and a strong warm wind blew as long as they heaped up the grain. Faith and prayer were of so great merit that the rain was driven off and they had sunshine in the midst of the storms.

22. At that time there was a duke named Waldelen, who ruled over the people between the Alps and the Jura. He had no children; in order that, as Juvencus says of Zachariah and Elizabeth, "the gift might be more welcome to those who had already given up hope." He with his wife Flavia, who was noble both by her family and by her disposition, came from the town of Besan on to St. Columban. Both of them begged of him that he would pray to the Lord on their behalf, for they had great wealth, but no son to whom they could leave it after their death. The holy man said to them: "If you will promise to consecrate His gift to the Lord and will give me the child so that I can raise him from the baptismal font, I will invoke the Lord's mercy for you that

you may have not only the one whom you consecrate to the Lord, but as many more as you desire." Joyfully they promised what he wished, asking only that he would not cease to implore God to have mercy upon them. The man of God promised that they should soon have what they wished, only they must not desire to break the compact.

Wonderful to relate! hardly had they returned home when the wife felt that she had conceived. When she had borne a son, she brought him to the holy man and returned thanks to God, who had heard the prayers of His servants. Columban consecrated the child to the Lord, raised him from the font and, naming him Donatus, gave him back to his mother to be nursed. Later on, the child was educated in the monastery and taught wisdom. He became Bishop of Besançon, which he still is. Out of love for St. Columban he founded a monastery under Columban's rule. From an ancient structure there it was named *Palatium*.

God fulfilled the promise made by His servant and gave to Waldelen a second son named Ramelen, distinguished for his nobility and wisdom. This son, after Waldelen's death, succeeded to his office, and although a layman he was truly filled with the fear of God. For he, too, out of love for the holy man, founded under his rule a monastery in the Jura Mountains on the *Movisana* River, and placed Siagrius there as abbot. The Lord added to His previous gifts two daughters, who were noble and perfect in the fear of Christ. After the death of her husband Flavia founded a nunnery in Besançon, gave it full protection and collected many nuns together. The grace of the man of God was so strong in them, that despising all the vain pomp of this life, they were zealous in the service of God.

23. If we try to include some things which may seem of little importance, the goodness of the Creator, who is equally merciful in very small matters and in great, who does not delay to turn His pitying ear to trifling details, just as in the very important matters He grants the desires of the suppliant, will be manifest to those who bawl envious detractions. For on a certain day when the excellent man of God had gone with the brethren to cut the harvest near Calmem, which is called *Baniaritia*, and they were cutting the crop, while the south wind blew, one of them, named Theudegisil, happened to cut his finger with a sickle, and the finger hung by only a small strip of skin. The man of God seeing Theudegisil standing apart, commanded him to continue the work with his companions. But the latter told the reason for his

actions. Columban hastened to him, and with his own saliva restored the wounded finger to its former health. Then he ordered Theudegisil to make haste and put forth more strength. The latter who had grieved for a long time over his cut finger, joyfully began to work doubly hard and to press on before the others in cutting the grain. Theudegisil himself told us of this and showed his finger. A similar thing happened on another occasion at the monastery of Luxeuil.

24. For a parish priest, named Winnoc, the father of Babolen, who is now abbot of Bobbio, went to St. Columban. The latter was in the forest with the brethren, getting a supply of wood. When Winnoc arrived, and was watching with wonder how they split the trunk of an oak so easily with their mallet and wedges, one of the latter flying from the trunk cut him in the middle of his forehead, so that great waves of blood ran from his veins. Columban, the man of God, seeing the blood flowing, and the bone uncovered, immediately fell on the ground in prayer, then rising healed the wound with his saliva, so that hardly a sign of a scar remained.

25. On another occasion when St. Columban had come to dine at the monastery of Luxeuil, he laid his gloves, which the Gauls¹ call *Wanti*, and which he was accustomed to wear when working, on a stone before the door of the refectory. Soon, in the quiet, a thievish raven flew up and carried off one of the gloves in its beak. After the meal, the man of God went out and looked for his gloves. When all were enquiring who had taken them, the holy man said, "There is no one who would venture to touch anything without permission, except the bird which was sent out by Noah and did not return to the ark." And, he added, that the raven would not be able to feed its young if it did not quickly bring back the stolen object. While the brethren were looking, the raven flew into their midst and brought back in its beak the object which it had basely stolen. Nor did it attempt to fly away, but forgetful of its wild nature, humbly in the sight of all, awaited its punishment. The holy man commanded it to go. Oh, wonderful power of the eternal Judge who grants such power to His servants that they are glorified both by honors from men and by the obedience of birds!²

26. Another miracle was wrought by St. Columban and his cellarer, which I shall relate. When the meal-time came, and the latter was

¹ Should be Franks, i. e. Germans, who used this word.

² Grote says this miracle "is exactly in the character of the Homeric and Hesiodic age." See his interesting remarks in *History of Greece*. Vol. I. p. 473, note, (Ed. New York, 1865).

ready to serve out the beer (which is boiled down from the juice of corn or barley, and which is used in preference to other beverages by all the nations in the world—except the Scotch and barbarous nations who inhabit the ocean—that is, in Gaul, Britain, Ireland, Germany and the other nations who do not deviate from the customs of the above) he carried to the cellar a jar, called a *tybrum*, and placed it before the vat in which the beer was. Having drawn the plug, he permitted the beer to flow into the jar. Another brother called him suddenly by the father's command. He, burning with the fire of obedience, forgot to put in the plug, called a *daciculum*, and, carrying it in his hand, hastened to the blessed man. After he had done what the man of God wished, he returned quickly to the cellar, thinking that nothing would be left in the vat from which the beer was running. But he saw the beer had run into the jar and not the least drop had fallen outside, so that you would have believed that the jar had doubled in size. Great was the merit of Columban commanding, great the obedience of the cellarer, that the Lord thus wished to avert sadness from both of them, lest, if the zeal of either had diminished the substance of the brethren, both should go without needful food ; so the just Judge hastened to wash away the faults of both, which had been committed by accident and with the Lord's permission, but which each would have asserted was due to his own remissness.

27. At that time the man of God, a lover of solitude, happened to be walking through the dense thickets of fruit-trees and found a bear ready to devour the body of a stag which wolves had killed, and the bear was licking up the blood. The man of God approached before it had eaten any of the flesh, and ordered it not to injure the hide which was needed for shoes. Then the beast, forgetting its ferocity, became gentle, and fawning and drooping its head left the body without a murmur, contrary to its custom. The man of God returning told this to the brethren, and ordered them to go and strip the hide from the body of the stag. When the brethren found the body they saw in the distance a great flock of birds of prey approaching, but these did not dare to touch the body, on account of Columban's command. The brethren waited at a distance for a long time to see whether any beast or bird would attempt to take the forbidden food. They saw them come, attracted by the smell, stop at a distance, and, turning as if it was something deadly and fatal, fly swiftly away.

28. While Columban on another occasion was staying at Luxeuil, Winnoc, the priest whom we mentioned before, came to him and

followed him wherever he went. They came to the storehouse in which the grain was kept. Winnoc, seeing and despising the smallness of the supply, said there was not enough to feed such a multitude, and chid him for his slothfulness in procuring food. St. Columban replied, "If men serve their Creator truly they will never feel need, for as the voice of the Psalmist makes known, 'I have not seen the righteous forsaken nor his seed begging their bread.' He, who satisfied five thousand men with five loaves, can very easily fill the storehouse with grain." While Winnoc stayed there that night, the storehouse was filled by the faith and prayers of the man of God. Winnoc, rising in the morning and passing by, unexpectedly saw the storehouse open and the custodian was standing before the door. He asked who had ordered this or what beasts of burden had brought this grain. The custodian replied, "It is not as you suppose. For see if the tracks of any animals are imprinted on the ground. The keys did not leave my person last night, but while the door was closed, the storehouse was filled with grain by the divine aid. Winnoc began to search carefully, with his eyes fixed on the ground, and to seek for traces of pack-animals. When he found nothing at all resembling these, he said, "The Lord is able to furnish a table for His servants in the wilderness."

A while after, Columban went to the monastery of Fontaines and found sixty brethren hoeing the ground and preparing the fields for the future crop. When he saw them breaking up the clods with great labor, he said, "May the Lord prepare for you a feast, my brethren." Hearing this the attendant said, "Father, believe me, we have only two loaves and a very little beer." Columban answered, "Go and bring those." The attendant went quickly and brought the two loaves and a little beer. Columban, raising his eyes to heaven, said, "Christ Jesus, only hope of the world, do Thou, who from five loaves satisfied five thousand men in the wilderness, multiply these loaves and this drink." Wonderful faith! All were satisfied and each one drank as much as he wished. The servant carried back twice as much in fragments and twice the amount of drink. And so he knew that faith is more deserving of the divine gifts than despair, which is wont to diminish even what one has.

29. When at one time the man of God was staying at Luxeuil, one of the brethren, who was also named Columban, was stricken with a fever and, lying at the point of death, was awaiting instantly a happy release. When he wanted to draw his last breath, confident of the eternal reward which he had sought in his long service, he saw a man

clothed in light coming to him, and saying, "I am not able now to free you from your body, because I am hindered by the prayers and tears of your father Columban." When the sick man heard this, sorrowfully, as if he had awakened from sleep, he began to call his attendant Theudegisil, whom we mentioned above, and said, "Go quickly and summon our father Columban to me." The attendant went swiftly, and, finding Columban weeping in the church, asked him to hasten to the sick man. Columban came quickly and asked him what he wanted. The latter told him, saying, "Why do you detain me by your prayers in this sorrowful world? For those are present, who would lead me away if they were not hindered by your tears and prayers. I beseech you, remove the obstacles which retain me that the celestial kingdom may open for me." Columban, struck with fear, made a signal that all should come. His joy lessened his grief at the loss of his holy companion. He gave the dying man the body of Christ as a viaticum, and after the last kiss began the death-song. For they were of the same race and name and had left Ireland in the same company.

30. And do not wonder that the beasts and birds thus obeyed the command of the man of God. For we have learned from Chamnoald, royal chaplain at Laon, who was his attendant and disciple, that he has often seen Columban wandering about in the wilderness fasting and praying, and calling the wild beasts and birds. These came immediately at his command and he stroked them with his hand. The beasts and birds joyfully played, frisking about him, just as cats frisk about their mistresses. Chamnoald said he had often seen him call the little animal, which men commonly name a *squirrel*, from the tops of high trees and take it in his hand and put it on his neck and let it go into and come out from his bosom.

31. The fame of Columban had already penetrated into all parts of Gaul and Germany, and everyone was praising the venerable man. Theuderich too came often to him and humbly begged his prayers. For Theuderich had succeeded to the kingdom in the following manner: Sigibert had been murdered in the royal estate of Vitry,¹ which is not far from Arras, at the instigation of his brother Chilperich, who was then living in Tournay and was being hunted to death by Sigibert. After the death of the latter, through the influence of his wife Brunhilda, the kingdom passed to his son Childebert (II). When the latter

¹ Vitry (between Arras and Tournay?)

died in his youth,¹ he was succeeded by his two sons, Theudebert and Theuderich, who ruled together with their grandmother Brunhilda. Austrasia went to Theudebert, Burgundy to Theuderich, who thought that he was fortunate in having St. Columban in his kingdom.

As he very often visited Columban, the holy man began to reprove him because he sinned with concubines, and did not satisfy himself with the comforts of a lawful wife, in order to beget royal children from an honored queen, and not bastards by his concubines. After this reproof from Columban, the king promised to abstain from such sinful conduct. But the old serpent came to his grandmother Brunhilda, who was a second Jezebel, and aroused her pride against the holy man, because she saw that Theuderich was obedient to him. For she feared that her power and honor would be lessened if, after the expulsion of the concubines, a queen should rule the court.

32. St. Columban happened one day to go to Brunhilda, who was then on the estate of *Brocariaca*.² As she saw him enter the court, she led to him the illegitimate sons of Theuderich. When St. Columban saw her, he asked what she wanted of him. Brunhilda answered, "These are the king's sons; give them thy blessing." He replied, "Know that these boys will never bear the royal sceptre, for they were begotten in sin." Enraged, she told the boys to go. When after this Columban left the court, a loud cracking noise was heard, the whole house trembled and everyone shook with fear. But that did not avail to check the wrath of the wretched woman.

From that time she began to persecute the neighboring monasteries. She issued an order that none of the monks should be allowed to leave the lands of the monasteries, no one should receive them into other houses or give them any aid. When Columban saw that at the court all were arrayed against him, he hastened to *Spissia*, where the king was then staying, in order to subdue such defiance by his warnings. When he reached that place, about sunset, and it was announced to the king that Columban was there but would not enter the palace, Theuderich said it would be better with due reverence to offer the needful services to the man of God, than to arouse the wrath of the Lord, by insulting His servant. Accordingly he ordered suitable food to be prepared in the royal kitchen and sent to the servant of God.

When the attendants came to Columban and, in accordance with the king's command, offered him food and drink prepared with royal

¹ A. D. 596. ² Near Autun.

magnificence, he asked what they meant by it. When they told him that it was sent by the king, he pushed it from him and said : "It is written, 'The Most High is not pleased with the offerings of the wicked.' For it is not meet that the mouth of the servant of the Lord should be defiled by the food of him who shuts out the servant of God, not only from his own dwelling, but also from the dwellings of others." At these words all of the dishes broke into pieces, so that the wine and liquor ran out on the ground and the food was scattered here and there. Terrified, the servants announced this to the king. Full of anxiety, he, together with his grandmother, hastened to Columban early in the morning. Both begged him to forgive their past sins and promised amendment. With his fears quieted by this, Columban returned to his convent. But they failed to keep their promises, and very soon the persecutions were renewed with increased bitterness by the king, who continued in his former sinful course. Then Columban sent him a letter full of reproaches, and threatened him with the ban if he did not amend his conduct.

33. Now Brunhilda began again to incite the king against Columban in every way ; urged all the nobles and others at court to do the same, and influenced the bishops to attack Columban's faith and to abolish his monastic rule. She succeeded so fully that the holy man was obliged to answer for his faith or leave the country. The king, incited by Brunhilda, went to Luxeuil and accused Columban of violating the customs of the country and of not allowing all Christians to enter the interior of the monastery. To these accusations Columban answered, for he was unterrified and full of courage, that it was not his custom to allow laymen to enter the dwelling of the servant of God, but he had prepared a suitable place where all who came would be received. The king replied : "If you wish to enjoy any longer the gifts of our grace and favor, everyone in the future must be allowed free entrance everywhere." Columban answered : "If you dare to violate the monastic rule in any particular, I will not accept any gift or aid from you in the future. But if you come here to destroy the monasteries of the servant of God and to undermine their discipline and regulations, I tell you that your kingdom will be destroyed together with all your royal family." This the king afterward found to be true. In his audacity, he had already stepped into the refectory ; terrified by these words, he withdrew hastily.

But when Columban attacked him with bitter insults, Theuderich said : "You want me to honor you with the crown of martyrdom ; do

not believe that I am foolish enough to commit such a crime. But I will follow a wiser and more useful plan. Since you depart from the common customs, I will send you back to the home from which you came." At the same time the members of the court resolved unanimously that they would not put up with anyone who was unwilling to associate with everyone. But Columban said that he would not leave his monastery unless he was dragged out by force.

34. The king now withdrew, but left behind a nobleman named Baudulf. The latter drove the holy man out of his monastery and carried him to Besançon into banishment, until the king had determined what further action to take. While there Columban heard that the prison was full of condemned men awaiting the death penalty. The man of God hastened to them and, having entered the gate without opposition, he preached the word of God to the condemned. They promised him that if they were liberated they would amend their lives and would do penance for the crimes which they had committed. After this Columban commanded his attendant, whom we have mentioned above [ch. 16], to take in his hand the iron to which their feet were fettered, and to pull it. When the boy took hold of it and pulled, it broke into bits like the rotten trunk of a tree. Columban ordered the condemned to leave the prison now that their feet were free and, after preaching the Gospel to them, he washed their feet and dried them with a linen towel. Then he commanded them to go to the church and do penance for the crimes they had committed and to wash away their faults by their tears. They hastened thither and found the doors of the church fastened.

When the captain of the soldiers saw the fetters of the condemned broken by Columban, through the power of God, and that only the empty prison remained, he started, although aroused from sleep, to follow the tracks of the condemned. The latter, seeing that the soldiers were coming after them and that the doors of the church were shut, hemmed in by the two-fold difficulty, reproached the man of God for having released them. But he, breathing anxiously, raised his face to heaven and prayed to the Lord that He would not permit those whom He had released from the iron by His strength, to be again delivered into the hands of the soldiers. Without delay, the goodness of the Creator opened the doors, which had been securely fastened, and disclosed a way of escape to those in peril. The condemned quickly entered the church. After their entrance the doors were shut without human hands, before the eyes of the soldiers, just as if a custodian with

a key had quickly unlocked them and then locked them again. Columban arriving with his followers and the captain coming up at the same time with his soldiers, found the doors shut. They sought the janitor, Aspasius by name, to get the key. When he came with the key and tried to open the doors he said he had never found them more tightly closed. Nor did anyone, after that, dare to do any injury to the condemned, whom the divine grace had liberated.

35. As Columban now saw that he was not watched at all and that no one did him any injury, (for all saw that he was strong in the strength of the Lord and therefore all refrained from injuring him, in order not to be associated in guilt) one Sunday he climbed to the top of the mountain. For the city is so situated that the houses are clustered together on the side of a steep mountain. Above, the lofty cliffs rise perpendicularly into the heavens. The mountain cut off on all sides by the river Dou, which surrounds it, leaves no path open for travelers. Columban waited till noon to see whether anyone would prevent his returning to his monastery. Then he took the road leading directly through the city.

When they heard of this, Brunhilda and Theuderich were embittered still more. They again ordered a band of soldiers to carry off the man of God by violence and to take him again to his former place of exile. Accordingly the soldiers went with their captain and wandered through the precincts of the monastery, seeking the man of God. He was then in the vestibule of the church reading a book. They came repeatedly and passed near him, so that some struck against him with their feet and touched his garments with their garments, but did not see him because their eyes were blinded. And it was a most beautiful sight. He, exulting, perceived that he was sought and was not found. While he saw them, they did not see him sitting in the midst of them. The captain came and, looking through the window, saw the man of God sitting joyfully amid them and reading. Perceiving the power of God, he said: "Why do you go wandering about the vestibule of the church and do not find him? Your hearts are wholly filled with the madness of insanity; for you will not be able to find him whom the divine power conceals. Leave this undertaking and we will hasten to announce to the king that you could not find him." By this it was clearly shown that the captain of the soldiers had not come willingly to do injury to the man of God, and therefore had merited to see him.

36. They told the king. He, impelled by the madness of his wretched purpose, sent Count Bertarius, with the men of his guard, to seek more diligently for Columban, and at the same time Baudulf whom he had formerly sent. They finding the holy man in the church praying and singing psalms with all the brethren, said to him : " Oh man of God, we beg you to obey the king's orders and our own, and to return to the place whence you came to this land." But Columban answered, " I do not think it would be pleasing to my Creator if I should go back to the home which I left because of my love for Christ." When they saw that Columban would not obey them they withdrew. But they left behind several men of rough disposition and character.

Those who remained urged the man of God to have pity on them, since they had been perfidiously left behind to perform such a task, and to think of their peril. If they did not violently eject him they would be in danger of death. But he, as he had very often asserted, said he would not withdraw unless he was compelled to by violence. The men impelled by fear, since they were in imminent peril in either event, clung to the robe which he wore ; others upon their knees besought him not to impute to them the guilt of so great a crime, since they were not following their own wishes, but obeying the commands of the king.

37. He finally decided to yield, in order not to imperil others, and departed amid universal sorrow and grief. Escorts were furnished him who were not to leave his side until they had conducted him to the boundary of the kingdom at Nantes. Ragamund was their leader. All the brethren followed, as if it was a funeral ; for grief filled the hearts of all. The father in anxiety for the loss of so many members, raised his eyes to heaven, and said, " Oh Creator of the world, prepare for us a place where Thy people may worship Thee." Then he comforted the brethren, telling them to put their trust in the Lord and to give great praise to omnipotent God. This was not an injury to him or his followers, but an opportunity to increase the number of monks. Those who wished to follow him and had courage to bear all his sufferings might come. The others who wanted to remain in the monastery should do so, knowing that God would quickly avenge their injuries. But since the monks did not want to be deprived of the guardianship of their shepherd all resolved to go. But the king's servants declared that only those would be allowed to follow him who were his countrymen or who had come to him from Brittany ; the others, by the king's command, were to remain in that place. When the father perceived

that his followers were violently torn from him, his grief and that of his followers was increased. But he prayed to the Lord, the Comforter of all men, to take those into His own keeping, whom the king's violence tore from him. Among these was Eustasius, the scholar and servant of Columban, who was afterward abbot in this very convent, of which his uncle, Mietius, bishop of Langres, had charge.

38. So, twenty years after he had come to this place the holy man departed and went by the way of Besançon and Autun to the fortress *Cavalo*. On the way the king's master of horse wanted to kill him with a lance. But the hand of God hindered it and lamed the man's hand, so that the lance fell on the ground at his feet and he himself seized by a supernatural power fell prone before Columban. The latter, however, cared for him till the next morning and then sent him home healed.

39. From *Cavalo* he went to the river *Chora*¹ where he stayed in the house of a noble and pious lady, named Theudemanda, and healed twelve demoniacs who came to him. On the same day he went to the village of *Chora* where he healed five mad men. In Auxerre, which he next went to, he said to his companion, Ragamund, "Know that within three years Chlotar, whom you now despise, will be your lord." But he answered, "Why do you tell me such things, my lord?" The latter replied, "You will see what I have announced if you are still alive."

40. Then leaving Auxerre, Columban saw a youth possessed by a demon running swiftly toward him. This youth had run twenty miles with all his might. Seeing him, Columban waited until the man, wounded by the devil's art, should come. The latter fell at the feet of the man of God and was immediately cured by his prayers and visibly restored to health. Then with guards preceding and following, Columban came to the city of Nevers in order to go in a boat on the Loire to the coast of Brittany. When they had reached this point and had gotten into the boat with difficulty, one of the guards, taking an oar, struck one of them, who was named Lua, a most holy and devout man.

The man of God, seeing that one of his followers was struck in his presence, said: "Why, cruel man, do you add to my grief? Is not the guilt of the crime which you have committed sufficient for your destruction? Why do you appear merciless against the merciful?"

¹ Probably the *Cure*, a branch of the *Jonne* (Abel).

Why do you strike a wearied member of Christ? Why do you vent your wrath on the gentle? Remember that you will be punished by God in this place, where in your rage you have struck a member of Christ." The vengeance, soon following, executed the penalty inflicted by that sentence. For as the man was returning again and came to the same place to cross the river, struck by the divine vengeance, he was drowned. Why was it that the just Judge delayed the vengeance a little, unless it was that His saint might not be troubled by the sight of the man's punishment?

41. From that place they went to the city of Orleans, where sorrowfully they rested for a time on the banks of the Loire in tents, for, by order of the king, they were forbidden to enter the churches. When finally their provisions gave out, they sent two men into the city to get food. One of these was Potentinus, who later on founded a convent in Brittany, near the city of Coutances,¹ and who is still alive. When these men entered the city they found nothing, because the inhabitants, from fear of the king, did not dare to sell or give them anything, and they went back on the road by which they had entered the city. They met a Syrian woman in the street. When she saw them, she asked who they were. They explained the state of the case, and said that they were seeking food but had found nothing. She replied, "Come, my lords, to the house of your servant and take whatever you need. For I, too, am a stranger from the distant land of the Orient." They joyfully followed her to her house and sat down to rest until she brought what they sought. Her husband, who had long been blind, was sitting near them. When they asked him who he was, his wife replied, "My husband is from the same race of the Syrians that I am. As he is blind, I have led him about for many years." They said, "If he should go to Columban, the servant of Christ, he would receive his sight through the holy man's prayers." The man having faith in the promised gift, regained his courage, rose and, led by his wife, followed them. They told Columban of the hospitality given to pilgrims. They had not finished their story before the blind man came and prayed the man of God to restore his sight by prayer.

Columban, seeing the man's faith, asked all to pray for the blind man, and after lying for a long time prone on the ground, he rose, touched the man's eyes with his hand and made the sign of the cross. The man received his longed-for sight. He rejoiced in his recovered

¹ In the department of La Manche.

sight, because it was fitting that he, whose soul had been lighted internally by hospitality, should not lack the external vision.

After that a band of mad men, whom demons tortured with savage fury, hastened to the man of God to be cured. Health was granted them by the Lord ; for all were healed by the man of God. The people of the city moved by these miracles supplied Columban with gifts secretly, because they did not dare to furnish anything openly on account of the guards, lest they should incur the wrath of the king. Thence Columban and his followers continued on their way.

42. And proceeding on the Loire, they came to the city of Tours. There the holy man begged the guards to stop and permit him to visit the grave of St. Martin. The guards refused, strove to go on quickly, urged the oarsmen to put forth their strength and pass swiftly by the harbor, and commanded the helmsman to keep the boat in mid-stream. St. Columban seeing this, raised his eyes sadly to heaven, grieving at being subjected to great sorrow, and that he was not permitted to see the graves of the saints. In spite of all their efforts the boat stopped as if anchored, as soon as it got opposite the harbor, and turned its bow to the landing-place. The guards seeing that they could not prevail, unwillingly allowed the boat to go where it would. In a wonderful manner it sped, as if winged, from mid-stream to the harbor, and entering this accomplished the wish of the man of God.

He, truly, gave thanks to the eternal King, who does not disdain to comply with the wishes of His servants. Landing, Columban went to the grave of St. Martin and spent the whole night there in prayer. In the morning he was invited by Leoparius, the bishop of the city, to break his fast. He accepted, especially for the sake of refreshing his brethren, and spent that day with the bishop. When he sat down at table with the bishop, at the hour of refection, and was asked why he was returning to his native land, he replied, "That dog Theuderich has driven me away from the brethren."

43. Then one of the guests, named Chrodowald, who was married to one of Theudebert's cousins, but who was a follower of Theuderich, replied in a humble voice to the man of God, "It is pleasanter to drink milk than wormwood," and declared that he would be faithful to king Theuderich, as he had sworn, so long as it was in his power. Columban said to him, "I know that you want to keep your oath of fidelity to king Theuderich, and you will be glad to take my message to your lord and friend. if you serve king Theuderich. Announce, therefore,

to Theuderich that he and his children will die within three years, and his entire family will be exterminated by the Lord." "Why," said the man, "do you announce such tidings, O servant of God?" "I dare not conceal what the Lord has ordered me to reveal." All the inhabitants of Gaul saw this fulfilled later, and this confirmed what had been announced previously to Ragamund.

44. After the repast, the man of God returned to the boat and found his companions very sorrowful. On enquiring what had happened, he learned that what they had in the boat had been stolen in the night, and also the gold which he had not given to the poor. Having heard this, he returned to the grave of the holy confessor and complained that he had not watched by the relics of the saint in order that the latter should allow him and his followers to suffer loss. Immediately he who had stolen the bag of gold began to be tormented and tortured, and cried out that he had concealed the pieces of gold in this place and that. All his associates rushed to return all that had been stolen and prayed the man of God to pardon the great crime. This miracle struck such terror into all, that those who heard of it did not dare to touch anything which belonged to the man of God, believing that all was consecrated. After supplying him with food Leoparius said farewell to St. Columban.

45. Joyfully then they went in the boat to the city of Nantes and there stopped for a short time. One day a beggar cried out before the door of the cell in which the man of God was meditating. Calling an attendant, Columban said: "Give the beggar some food." The attendant replied: "We have nothing except a very little meal." He asked: "How much have you?" The attendant replied that he thought he did not have more than a measure of meal. "Then give it all," he said, "and save nothing for the morrow." The servant obeyed and gave all to the beggar, reserving nothing for the common need.

Already the third day had dawned since they had been fasting, and had had scarcely anything except the grace of hope and faith, by which to refresh their exhausted limbs. Suddenly they heard the door open; when the doorkeeper asked why the ears of the brethren were troubled by the din, he who had opened the door said he had been sent by his mistress Procula. She said she had been divinely warned to send food to the man of God, Columban, and to his companions, who were staying near the city of Nantes. The man said the food would

come immediately, and that he had been sent ahead to tell them to prepare receptacles to receive it. There were a hundred measures of wine, two hundred of grain, and a hundred of barley. The doorkeeper hastened to announce this to the father. But the latter said, very well, he knew it, and ordered that the brethren should come together to pray to the Lord in behalf of their benefactress, and at the same time to return thanks to their Creator who never fails to comfort His servants in every need ; and after that they would receive the gifts.

Wonderful compassion of the Creator ! He permits us to be in need, that He may show His mercy by giving to the needy. He permits us to be tempted, that by aiding us in our temptations He may turn the hearts of His servants more fully to Himself. He permits His followers to be cruelly tortured that they may delight more fully in restored health.

46. Another equally noble and pious woman, named Doda, sent two hundred measures of corn, and a hundred of mixed grain. This caused very great shame to the bishop of that city, named Suffronius, from whom nothing could be obtained as a gift or even by exchange. While Columban remained there, a certain woman tormented by a demon came to him, together with her daughter who was also suffering from a severe disease. When he saw them, he prayed to the Lord for them ; after they had been healed, he commanded them to return home.

47. After this Suffronius, bishop of Nantes, and count Theudebald made preparations to send St. Columban to Ireland, in accordance with the king's orders. But the man of God said : " If there is a ship here which is returning to Ireland, put my effects and my companions on it. In the meantime I will go in my skiff down the Loire to the ocean. They found a vessel which had brought Scottish wares and embarked all Columban's effects and companions. When with a favorable wind the oarsmen were now rowing the vessel down to the ocean, a huge wave came and drove the vessel on shore. It stuck fast on the land, and the water receding, remained quietly in the channel. The bark remained high and dry for three days. Then the captain of the vessel understood that he was detained in this manner on account of the effects and companions of the man of God, that he had taken on board. He decided to disembark from the vessel all that belonged to Columban. Immediately a wave came and bore the vessel out to the ocean. Then all, filled with amazement, understood that God did not wish Columban to return home.

Accordingly he returned to the house in which he had formerly dwelt and no one opposed him ; nay, rather, all aided the man of God with gifts and food, as far as lay in their power. Nor did he lack defence, because in all things he had the aid of the Creator, and He who keeps Israel under the shadow of His wings never slumbers. Thus truly He shows by granting all things to all men, that He wishes to be glorified by all in proportion to the greatness of his gifts.

48. Not long after this Columban went to Chlotar, Chilperich's son, who ruled in Neustria over the Franks who lived on the coast. Chlotar had already heard how the man of God had been persecuted by Brunhilda and Theuderich. He now received Columban as a veritable gift from heaven, and begged that he would remain in Neustria. Columban refused and said he did not wish to remain there, either for the sake of increasing the extent of his pilgrimage, or for the sake of avoiding enmities. But he remained some time with the king, and called his attention to several abuses, such as could hardly fail to exist at a king's court. Chlotar promised to correct everything according to Columban's command, for he zealously loved wisdom, and rejoiced in the blessing which he had secured.

In the meantime a strife arose between Theudebert and Theuderich over the boundaries of their kingdoms, and both sent to Chlotar to beg aid. The latter was disposed to aid one against the other, and asked Columban's advice. He, filled with the spirit of prophecy, answered that Chlotar ought not to unite with either, for within three years he would receive both kingdoms. Chlotar seeing that such things were prophesied by the man of God, aided neither, but full of faith awaited the promised time. Afterwards he triumphed victoriously.

49. Afterwards Columban asked Chlotar to aid him to go through Theudebert's territory, if possible, and over the Alps to Italy. He received escorts who were to conduct him to Theudebert, and entering upon his journey went to the city of Paris. When he arrived there, he met at the gate a man having an unclean spirit, who was raving and rending his garments, while babbling. The latter addressed the man of God complainingly : " What are you doing in this place, O man of God ? " From afar he had been crying out for a long time with his growling voice as he saw Columban, the man of God, approaching. When the latter saw him, he said : " Depart, evil one, depart ! Do not dare to possess any longer the body washed by Christ. Yield to the power of God, and invoked by the name of Christ." But when the devil resisted for a long time with savage and cruel strength, the man

of God placed his hand on the man's ear and struck the man's tongue and by the power of God commanded the devil to depart. Then rending the man with cruel violence so that bonds could scarcely restrain him, the devil, issuing forth amid great purging and vomiting made such a stench that those who stood by believed that they could endure the fumes of sulphur more easily.

50. Then Columban went to the city of Meaux. There he was received with great joy by a nobleman Hagneric, who was a friend of Theudebert, a wise man, and a counsellor grateful to the king, and was fortified by nobility and wisdom. The latter promised that he would take care of Columban until the latter reached the court of Theudebert, and said it was not necessary to have the other companions who were sent by the king. He declined the aid of the others in order to keep the man of God with himself as long as he could, and in order that his house might be ennobled by the learning of the latter. Columban blessed his house and consecrated to the Lord his daughter Burgundofara, who was still a child, and of whom we shall speak later.

Thence he proceeded to Eussy on the river Marne. There he was received by a man named Autharius, whose wife was named Aiga. They had sons under ten years of age, whom the mother brought to the man of God to be blessed. He, seeing the faith of the mother, consecrated the little children with his blessing. They later, when they grew up, were held in high esteem, first by king Chlotar, afterwards by Dagobert. After they had obtained great glory in the world, they made haste, lest in the glory of this world they should lose the eternal. The elder, Ado, withdrew of his own accord and founded, under the rule of St. Columban, a monastery near Mt. Jura.¹ The younger, Dado, founded, under the rule of the blessed man, a monastery near Brieg, on the little river Rébais.

So greatly did the man of God abound in faith, that whomsoever he consecrated, the last day found persevering in good works. And those whom he warned, rejoiced afterward that they had merited immunity. Nor did he, endued with so great strength, undeservedly obtain an increase of grace, who guided by his learning, was unwilling to deviate from the path of a just life.

51. From that place Columban proceeded to Theudebert, who received him joyfully. Many brethren had already come to him from Luxeuil, whom he received as if they had been snatched from the

¹ The monastery Jouarre near Meaux.

enemy. Now the king promised to seek out beautiful places, suitable for God's servants, where they could preach to the neighboring people. Columban declared, that if the king was in earnest and would actively support him, he would gladly remain there longer and try to sow the seeds of faith in the hearts of the neighboring peoples. Theudebert commissioned him to choose a suitable place, and, with the approval of all, he decided upon a long-ruined city, which was in the German land not far from the Rhine, and which was called *Brigantia*.¹ But what the man of God did, as he was ascending the Rhine in his boat, must not be passed over in silence.

52. As they journeyed, they came to the city which was formerly called *Maguntiacum*.² The oarsmen who had been sent by the king to aid the man of God, told him they had friends in the city who would supply needful food ; for already they had long been fasting. The man of God told them to go ; but they did not find any. They returned, and in reply to the questions of the man of God said they had been unable to obtain anything from their friends. Then he said : " Let me go for a short time to my friend." They wondered how he had a friend there, where he had never been before. But he went to the church and, entering, threw himself on the pavement, and in a long prayer sought the protection of God, the source of all mercy. Immediately the bishop of the city went from his home to the church and, finding Columban, asked who he was. The latter said he was a pilgrim. The bishop answered : " If you need food, go to my house and take what you need." After thanking him and also the Creator who had inspired him, Columban hastened to the boat and directed that all the men, except one guard, should go and bring what they wished. But lest this should seem to anyone mere chance, that bishop was accustomed to protest that he had never before given food with so little thought. And he testified that he went to the church that day by divine admonition, on account of the merit of the blessed Columban.

53. At length they arrived at the place designated, which did not wholly please Columban ; but he decided to remain, in order to spread the faith among the people, who were Swabians. Once, as he was going through this country, he discovered that the natives were going to make a heathen offering. They had a large cask that they called a *cupa*, and that held about twenty-six measures, filled with beer and set in their midst. On Columban's asking what they intended to do with it, they

¹ Bregenz. ² Mainz.

answered that they were making an offering to their God Wodan (*wōtan* others call Mercury). When he heard of this abomination, he breathed on the cask, and lo ! it broke with a crash and fell in pieces so that all the beer ran out. Then it was clear that the devil had been concealed in the cask, and that through the earthly drink he had proposed to ensnare the souls of the participants. As the heathens saw that, they were amazed and said Columbrn had a strong breath, to split a well-bound cask in that manner. But he reproved them in the words of the Gospel, and commanded them to cease from such offerings and to go home. Many were converted then, by the preaching of the holy man, and turning to the learning and faith of Christ, were baptized by him. Others, who were already baptized but still lived in the heathenish unbelief, like a good shepherd, he again led by his words to the faith and into the bosom of the church.

54. At that time Theuderich and Brunhilda were venting their wrath not only on Columban, but also on the holy Desiderius, bishop of Vienne. After they had driven the latter into banishment and had done him much evil, they crowned him at last with a glorius martyr's death. By his deeds, which have been narrated, and by his great adversities he deserved to have a glorious triumph near the Lord.

In the meantime Columban and his companions experienced a time of great need near the city of Bregenz. But although they were without food, they were bold and unterrified in their faith, so that they obtained food from the Lord. After their bodies had been exhausted by three days of fasting, they found so great an abundance of birds,—just as the quails formerly covered the camp of the children of Israel,—that the whole country near there was filled with birds. The man of God knew that this food had been scattered on the ground for his own safety and that of his brethren, and that the birds had come only because he was there. He ordered his followers first to render grateful praises to the Creator, and then to take the birds as food. And it was a wonderful and stupendous miracle ; for the birds were seized according to the father's commands and did not attempt to fly away. The manna of birds remained for three days. On the fourth day, a priest from an adjacent city, warned by divine inspiration, sent a supply of grain to St. Columban. When the supply of grain arrived, the Omnipotent, who had furnished the winged food to those in want, immediately commanded the phalanxes of birds to depart. We learned this from Eustasius, who was present with the others, under the command of the

servant of God. He said that no one of them remembered ever having seen birds of such a kind before; and the food was of so pleasant savor that it surpassed royal viands. Oh, wonderful gift of divine mercy! When earthly food was wanting to the servants of Christ, celestial was furnished; as was said of Israel: "He gave to them of the corn of heaven;" when earthly food was brought, the celestial which had been mercifully granted was taken away.

55. Then Columban was weakening his body by fasting, under a cliff in the wilderness, and he had no food except the apples of the country, which we have mentioned above. A fierce bear of great voracity came and began to lick off the necessary food and carry the apples away in its mouth. When the meal-time came, Columban directed Chagnoald, his servant, to bring the usual quantity of apples. The latter went and saw the bear wandering about among the fruit-trees and bushes and licking off the apples. He returned hastily and told the father, who commanded him to go and set aside a part of the fruit-trees for food for the bear and order it to leave the others for himself. Chagnoald went in obedience to the command, and dividing with his staff the trees and bushes which bore the apples, he, in accordance with Columban's command, set aside the part that the bear should eat, and the other part that it should leave for the use of the man of God. Wonderful obedience of the bear! It did not venture at all to take food from the prohibited part but, as long as the man of God remained in that place, sought food only from the trees that had been assigned to it.

56. Once Columban thought of going to the land of the Wends, who are also called Slavs, in order to illuminate their darkened minds with the light of the Gospel, and to open the way of truth to those who had always wandered in error. When he proposed to make his vows, the angel of the Lord appeared to him in a vision, and showed him in a little circle the structure of the world, just as the circle of the universe is usually drawn with a pen in a book. "You perceive," the angel said, "how much remains set apart of the whole world. Go to the right or the left where you will, that you may enjoy the fruits of your labors." Therefore Columban remained where he was, until the way to Italy opened before him.

57. In the meantime the compact of peace which Theuderich and Theudebert had made was broken, and each one, priding himself on the strength of his followers, endeavored to kill the other. Then Columban

went to king Theudebert and demanded that he should resign his kingdom and enter a monastery, in order not to lose both earthly crown and everlasting life. The king and his companions laughed; they had never heard of a Merovingian on the throne, who had voluntarily given up everything and become a monk. But Columban said, if the king was not willing voluntarily to undertake the honor of the priestly office, he would soon be compelled to do it against his will. After these words the holy man returned to his cell; but his prophecy was soon verified by events. Theuderich immediately advanced against Theudebert, defeated him near Zülpich, and pursued him with a great army. Theudebert gathered new forces and a second battle was fought near Zülpich. Many fell on both sides, but Theudebert was finally defeated and fled.

At that time the man of God was staying in the wilderness, having only one attendant, Chagnoald. At the hour when the battle near Zülpich began, Columban was sitting on the trunk of a rotten oak, reading a book. Suddenly he was overcome by sleep and saw what was taking place between the two kings. Soon after he awoke, and calling his attendant, told him of the bloody battle, grieving at the loss of so much human blood. His attendant said with rash presumption: "My father, aid Theudebert with your prayers, so that he may defeat the common enemy, Theuderich." Columban answered: "Your advice is foolish and irreligious, for God, who commanded us to pray for our enemies has not so willed. The just Judge has already determined what He wills concerning them." The attendant afterwards enquired and found that the battle had taken place on that day and at that hour, just as the man of God had revealed to him.

Theuderich pursued Theudebert, and the latter was captured by the treachery of his followers and sent to his grandmother, Brunhilda. She, in her fury, because she was on Theuderich's side, shut him up in a monastery, but after a few days she mercilessly had him murdered.

58. Not long after this Theuderich, struck by the hand of the Lord, perished in a conflagration in the city of Metz. Brunhilda then placed the crown on the head of his son Sigibert. But Chlotar thought of Columban's prophecy and gathered together an army to reconquer the land which belonged to him. Sigibert with his troops advanced to attack him, but was captured, together with his five brothers and great-grandmother Brunhilda, by Chlotar. The latter had the boys killed, one by one, but Brunhilda he had placed first on a camel in mockery and so exhibited to all her enemies round about;

then she was bound to the tails of wild horses and thus perished wretchedly. As the whole family of Theuderich was now exterminated, Chlotar ruled alone over the three kingdoms,¹ and Columban's prophecy had been literally fulfilled. For one of the kings and his whole family had been entirely exterminated within three years ; the second had been made a clerk by violence ; the third was the possessor and ruler of all the kingdoms.

59. When Columban saw that Theudebert had been conquered by Theuderich, as we said above, he left Gaul and Germany and went to Italy. There he was received with honor by Agilulf, king of the Lombards. The latter granted him the privilege of settling in Italy wherever he pleased ; and he did so, by God's direction. During his stay in Milan, he resolved to attack the errors of the heretics, that is, the Arian perfidy, which he wanted to cut out and exterminate with the cauterizing knife of the Scriptures. And he composed an excellent and learned work against them.

60. At that time a man named Jocundus appeared before the king and announced that he knew of a church of the holy Apostle Peter, in a lonely spot in the Apennines ; the place had many advantages, it was unusually fertile, the water was full of fishes ; it had long been called *Bobium*,² from the brook that flowed by it. There was another river in the neighborhood, by which Hannibal had once passed a winter and suffered the loss of a very great number of men, horses and elephants. Thither Columban now went, and with all diligence restored to its old beauty the church which was already half in ruins.

In this restoration the wonderful power of the Lord was visible. For, when beams of fir were cut amid the precipitous cliffs or in the dense woods, or those cut elsewhere, fell into such places by accident, so that beasts of burden could not approach, the man of God going with two or three companions, as many as the steep paths furnished footing for, placed, in a wonderful manner, on his own and his companions' shoulders beams of immense weight, which thirty or forty men could scarcely carry on level ground ; and where they had hardly been able to walk before, on account of the steepness of the paths, and had moved as if weighed down with burdens, they now walked easily and joyfully, bearing their burden. The man of God, seeing that he was receiving so great aid, urged his companions to finish joyfully the work which

¹ Neustria, Austrasia and Burgundy.

² Bobbio.

they had begun, and to remain in the wilderness with renewed courage, affirming that this was God's will. Therefore he restored the roof of the church and the ruined walls, and provided whatever else was necessary for a monastery.

61. During this time king Chlotar, when he saw that the words of Columban had been fulfilled, summoned Eustasius, who was then abbot of Luxeuil, and urged him to go with an escort of noblemen, whom Eustasius himself should select, to the holy Columban and beg the latter, wherever he might be, to come to Chlotar. Then the venerable disciple went to seek his master, and when he found the latter, he repeated Chlotar's words. But Columban declared, when he heard Chlotar's request, that he could not undertake the journey again. Eustasius he kept with himself for some time, warned him not to forget his own labors and work, to keep the band of brethren learned and obedient, to increase their numbers and educate them according to his own instructions.

To the king he sent a letter full of good advice, and begged him to extend his royal protection and aid to the brethren at Luxeuil. The king received the letter joyfully, as a most pleasing gift and as a pledge of his compact with the man of God. Nor did he forget the latter's request, but showed his favor in every way to the cloister, gave it yearly revenues, increased its territory in every direction, where the venerable Eustasius desired, and aided its inmates in every way that he could. After a single year in his monastery of Bobbio, Columban the man of God, ended his devout life on the XI. day before the Kalends of December.¹ If anyone wishes to learn of his activity, let him seek it in the saint's writings.² His remains are buried there,³ where they have proved their virtues, by the aid of Christ. To Him be glory for ever and ever, world without end. Amen.

¹ November 21st, probably 615.

² These are reprinted in Migne : *Patrologiae Latinae Cursus Completus*, Vol. 80.

³ In Bobbio.

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